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**PLANNING AND ZONING COMMISSION MEETING**  
**Tuesday, January 27, 2015**  
**6:00 P.M.**  
**COUNCIL CHAMBERS**  
**CITY HALL, 200 NORTH DAVID STREET**

*Meetings can be viewed online at [www.casperwy.gov](http://www.casperwy.gov) on the Planning and Zoning Commission web page.*

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PLANNING AND ZONING POLICY  
PUBLIC STATEMENTS

- I. Use of Cellular Telephones is Not Permitted, and Such Telephones Shall Be Turned Off or Otherwise Silenced During the Planning and Zoning Commission Meeting.
- II. Speaking to the Planning and Zoning Commission (These Guidelines Are Also Posted at the Podium in the Council Chambers)
  - Clearly State Your Name and Address.
  - Please Keep Your Remarks Pertinent to the Issue Being Considered by the Planning and Zoning Commission.
  - Please Do Not Repeat the Same Statements that Were Made by a Previous Speaker.
  - Please Speak to the Planning and Zoning Commission as You Would Like to Be Spoken To.
  - Please Do Not Address Applicants or Other Audience Members Directly.
  - Please Make Your Comments at the Podium and Directed to the Planning and Zoning Commission.
- III. The City of Casper Planning and Zoning Commission is a volunteer body composed of members of the Casper Community, and appointed by the Casper City Council. The Commission acts as a quasi-judicial panel, making final decisions on some specific items, and recommendations to the City Council on others as dictated by law. The Commission may only consider evidence about any case as it relates to existing law. The Commission cannot make or change planning or zoning laws, regulations, policies or guidelines.

AGENDA

- I. **CALL TO ORDER.**
- II. **MINUTES:**
- III. **PUBLIC HEARINGS:**
  - A. **PLN-14-067-R – (Continued from November 25, 2014) Petition to vacate and replat all of Lots 15 – 32, inclusive, Cloud Peak Lane, and a Portion of Tract G, Greenway Park II, to create Greenway Park III, comprising 15.095-acres,**

more or less, generally located north of East 21st and east of South Missouri Streets. Applicant: Haystack Properties, LLC.

- B. **PLN-14-068-S – (Continued from November 25, 2014) Planned Unit Development (PUD) site plan amendments to the Greenway Park PUD (also known as “The Preserve”); and detailed site plan approval for Phase III, “The Enclave at Greenway Park,” Said amendment to the PUD propose to increase the allowable site density from a maximum of 429 dwelling units to a maximum of 530 dwelling units, and is reconfiguring the overall site and street layout. The Greenway Park PUD is generally located north of East 21st Street and east of South Missouri Avenue. Applicant: Haystack Properties, LLC.**
  
- C. **PLN-15-001-RZ – Petition to vacate and replat all of Sunrise Hills No. 3, with portions of Sunrise Hills No. 9, Sunrise Hills Addition No. 12, Garden Creek Hills Patio Homes No. 1, and Tract A, and Harmony Hills No. 1, to create Harmony Hills Addition No. 2, comprising 106.16-acres, more or less, generally located at the southeast intersection of South Poplar Street and SE Wyoming Boulevard; and rezoning of said property from PUD (Planned Unit Development) and C-2 (General Business) to R-2 (One Unit Residential) and PUD (Planned Unit Development). Applicant: High Plains Investments, LLC.**
  
- D. **PLN-15-003-C – Petition for a Conditional Use Permit for a mobile home, for security reasons, in an M-1 (Limited Industrial) zoning district, on Lots 16-17, Block 2, Burlington Addition, located at 440 North Washington Street. Applicant: Dasa Moore and Jessica Moore.**
  
- E. **PLN-15-004-C – Petition for a Conditional Use Permit for an off-premises sign (billboard), in a C-2 (General Business) zoning district, on Lot 3, Scotthill Ret Center Phase II, Lot 3, located at 4710 East 2nd Street. Applicant: Powder River Partners, LLC.**

**IV. COUNCIL ACTIONS:**

**V. SPECIAL ISSUES:**

**VI. COMMUNICATIONS:**

- A. **Commission**
- B. **Community Development Director**
- C. **Council Liaison**
- D. **Other Communications**

## **VIII. ADJOURNMENT**

January 23, 2015

MEMO TO: Members, Planning and Zoning Commission

FROM: Liz Becher, Community Development Director  
Craig Collins, AICP, City Planner  
Aaron Kloke, MCRP, Planner I

SUBJECT: **PLN-14-068-S** – *(Continued from November 25, 2014)* Planned Unit Development (PUD) site plan amendments to the Greenway Park PUD (also known as “The Preserve”); and detailed site plan approval for Phase III, “The Enclave at Greenway Park,” Said amendment to the PUD proposes to increase the allowable site density from a maximum of 429 dwelling units to a maximum of 530 dwelling units, and is reconfiguring the overall site and street layout. The Greenway Park PUD is generally located north of East 21<sup>st</sup> Street and east of South Missouri Avenue. Applicant: Haystack Properties, LLC.

**PLN-14-067-R** – *(Continued from November 25, 2014)* Petition to vacate and replat all of Lots 15 – 32, inclusive, Cloud Peak Lane, and a Portion of Tract G, Greenway Park II, to create Greenway Park III, comprising 15.095-acres, more or less, generally located north of East 21<sup>st</sup> and east of South Missouri Streets. Applicant: Haystack Properties, LLC.

Recommendation on the Greenway Park PUD Amendment, and the detailed Site Plan for Phase III, “The Enclave at Greenway Park”:

In the absence of information that may be presented during public testimony, staff recommends that the Planning and Zoning Commission approve the proposed revisions to the PUD Guidelines for the Greenway Park PUD (Planned Unit Development); and the detailed Site Plan for Phase III, “The Enclave at Greenway Park,” and forward a do-pass recommendation to the City Council based on the findings attached as the Exhibit labeled “PUD Findings” to this staff report, and with the following conditions:

1. All exterior lighting shall utilize full-cutoff fixtures to prevent off-site glare and light intrusion.
2. Prior to review by the City Council, the applicant shall provide a water and sewer study to the Public Utilities Department for review and approval, and any necessary improvements resulting from the study, either on, or off-site, shall be addressed in the Site Plan Agreement.
3. Public access easements shall be provided for all trails and pathways, and said trails and pathways shall be constructed to standard City standards.

4. There is a discrepancy between the narrative outlining changes to Section VI(D) of the PUD Guidelines pertaining to allowing parking on both sides of public streets, and the street cross sections provided on Exhibit A (Overall Site Development Plan), which shows that public streets are designed for parking on only one side of the street. Prior to final approval of the PUD amendments, the discrepancy shall be corrected.
5. Upon final approval of amendments to the original PUD (Planned Unit Development) Guidelines, the applicant shall provide, to the Community Development office, a complete set of new PUD Guidelines, both in hard copy and digital format, which shall supersede and replace the previously approved Guidelines.

Recommendation on the replat creating Greenway Park III:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the replat creating the Greenway Park III Addition, and forward a “do pass” recommendation to the City Council.

Code Compliance:

Staff has complied with all legal notification requirements of Section 16.24 of the Casper Municipal Code pertaining to replats, and Sections 17.12.150 and Chapter 17.52 pertaining to site plans and PUD’s (Planned Unit Developments), including notification of property owners within three hundred (300) feet by first class mail, posting a sign on the subject property, and publishing a legal notice in the Casper Star-Tribune. The Planning and Zoning Commission is responsible for reviewing replats and PUD amendments, and providing a recommendation to the City Council to approve, approve with conditions, deny, or table the proposals. Staff has received twenty (20) letters in opposition from ten (10) individuals in regard to the project, which have been attached as exhibits for the Planning and Zoning Commission’s review.

With regard to the proposed PUD Guidelines amendment and the detailed site plan review for Phase III, “The Enclave at Greenway Park,” Section 17.12.150(D) of the Casper Municipal Code provides the review criteria for the approval of a site plan. Those criteria include whether the site plan is compatible with the goals and policies of the City’s adopted plans. Other design-related criteria for the approval of a site plan include the following:

- Promote the efficient use of land by means of a sound arrangement of buildings, safe and functional points of access, well planned parking circulation systems, and adequate sidewalks and pathways for pedestrians.
- Provide for landscaping, and within high density housing complexes, usable open space, such as, but not limited to, bicycle paths, playground areas, courtyards, areas for active recreation, swimming pools, landscaping, gardens, walks, outdoor seating areas, outdoor picnic areas, and similar open space.
- Preserve and utilize where possible, existing landscape features and amenities, and blend such features with the new structures and other improvements.

In that the proposal involves a PUD (Planned Unit Development), Section 17.52.010 of the Municipal Code states that the purpose of the PUD zoning district is:

“To provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a professional, prepared comprehensive plan and program. The PUD is intended to be used to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economics in land development, maintenance, streets systems, and utility networks while providing building groupings for privacy, usable open spaces, and vehicle and pedestrian circulation for the inhabitants.”

Pursuant to Section 17.52.020 of the Municipal Code, the findings necessary for the approval of a PUD are as follows:

- A. Be compatible with the goals and policies of the city master plan and other applicable adopted plans and policies;
- B. Be compatible with the area surrounding the project site and place no greater demand on existing city facilities and services than can be furnished by the city;
- C. Promote the efficient use of land by means of more economical arrangement of buildings, circulation systems, land uses, densities, and utilities;
- D. Provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas, and similar open space;
- E. Demonstrate flexibility and quality in design to permit diversification in the location, type, and uses of structures;
- F. Combine and coordinate architectural styles, building forms, and building relationships within the development and in concert with adjacent and surrounding land and development;
- G. Minimize impact on adjacent zoning districts by limiting building heights, providing screening and/or other buffers;
- H. Preserve and utilize where possible, existing landscape features and amenities and encourage the harmonious combination of such features with structures and other improvements;
- I. Be designed and developed as a whole under the control of one owner, partnership, corporation, or agency;
- J. Consist of such a mixture of uses, density, or characteristic or creative design;
- K. Constitute a buffer zone between existing land uses and existing zones;

- L. Consist of a land area of a minimum of one and one-half acres in size; a smaller land area may be permitted with written approval by the Commission.

Summary:

Haystack Properties, LLC has applied for approval of three (3) distinct, but related actions. The first request is for approval of amendments to the Greenway Park PUD (Planned Unit Development) Guidelines; The second portion of the request is for the approval of the detailed site plan for Phase III, “The Enclave at Greenway Park.” The final request is for a replat creating the Greenway Park III Addition.

The applicant initially applied for Planning and Zoning Commission review in November of 2014. At the recommendation of staff, the applicant held a neighborhood meeting on November 20, 2014. As a result of comments heard at the neighborhood meeting, the applicant decided to make several significant changes to the layout and design of the project, and requested a continuance to the January 27, 2015 Planning and Zoning Commission public hearing to allow them adequate time to alter their plans.

The Greenway Park PUD (Planned Unit Development), also known as “The Preserve” is located north of East 21<sup>st</sup> Street and east of Missouri Avenue. The original Greenway Park PUD was approved in 2008. Section VI of the PUD Guidelines specified that minor changes to the PUD, as well as detailed site plans for each phase, are to be approved administratively by Community Development staff, provided detailed site plans or changes are in general conformance with the PUD, as approved. Subsequent to the initial approval of the Greenway Park PUD in 2008, the Phase I site plan was approved in 2009, and the Phase II site plan was approved in 2012. Using the standards found in Section VI of the approved PUD Guidelines, along with the standards found in Section 17.52.130, City staff determined that both Phase I and Phase II were in general conformance with the approved PUD Guidelines, and were therefore, approved administratively.

As stated in Section VI of the PUD Guidelines, the original Phasing Plan, boundaries and land use areas, as depicted, were conceptual, and subject to alteration through an administrative approval process. As stated in Section 17.52.130(A)(2), it is at the discretion of the Community Development Director and the City Engineer to determine if a change is a substantial change which must be approved by the Planning and Zoning Commission and City Council, or whether a change is a minor change, which may be approved by the Community Development Director.

When the Phase I and Phase II site plans were reviewed and administratively approved, the boundaries of those phases did change from the conceptual Phasing Plan, with Phase I being much smaller than the original conceptual plan illustrated, and Phase II being larger than the original conceptual plan illustrated. The developer shifted the locations of a number of the dwelling units/buildings to the east, in essence, “borrowing” density from the future phases of development on the west side of Greenway Park. The PUD Guidelines specified that the total allowable density for the entire PUD would be limited to no more than 7.3 dwelling units per acre. The developer was informed at the time that Phase II was approved that at the point at which the total the density for the Greenway Park PUD hit its maximum, then no further site plans or phases could be approved, and any further development or increase in density would require a major amendment to the Greenway Park PUD (Planned Unit Development) Guidelines.

A major amendment to a PUD (Planned Unit Development) must be reviewed by the Planning and Zoning Commission and City Council, requiring the notification of neighbors and applicable public hearing(s).

The applicant has provided a written summary of the requested changes to the PUD Guidelines, attached as an Exhibit, for the Commission's reference. Many of the changes are minor, or simple clean-up type changes. The most significant changes to the PUD Guidelines are discussed below.

The Greenway Park PUD encompasses an area of approximately 58.73-acres. Phase I consisted of two hundred eight (208) dwelling units, and Phase II consisted of one hundred sixty (160) dwelling units for a total density of 6.3 dwelling units per acre. The original PUD allowed up to a maximum of four hundred twenty nine (429) dwelling units, and Phase I and Phase II together account for a total of three hundred sixty eight (368) dwelling units, leaving another sixty one (61) dwelling units that could be developed before the PUD reached its maximum allowable density. The developer now wishes to construct Phase III, but would like to increase the density and construct one hundred thirty four (134) Big House/Mansion multi-family dwelling units, along with twenty-seven (27) single-family residences, for a total increase in the number of allowable dwelling units from four hundred twenty nine (429) to five hundred thirty (530). At five hundred thirty (530) dwelling units, the overall density of the PUD would be approximately nine (9) dwelling units per acre. According to Section 17.52.040 of the Municipal Code, the maximum permissible density for a PUD (Planned Unit Development) located adjacent to R-1 (Residential Estate) zoning is twenty-four (24) dwelling units per acre. The proposed change is significantly under the allowed maximum density.

In addition to the requested increase in the number of allowable dwelling units the applicant is requesting a change in the type of structures that would be constructed in Phase III. The original PUD presented a concept which the developer referred to at the time as "Mansion Homes." Mansion homes were described as multi-family structures, consisting of three (3) dwelling units, and constructed to appear as a single, large residential home. Additionally, the original PUD proposed that two (2) to six (6) unit, two-story townhomes would also be constructed along the eastern portion of the PUD. The developer is now proposing that Phase III be constructed as multi-family structures that the developer refers to as a "Big House/Mansion multi-family concept." The Big House/Mansion multi-family concept is a new concept for Casper, and according to the developer, is similar to both the Mansion Homes and the townhomes that were originally proposed. The Big House/Mansion multi-family structures will be two (2) stories in height, and will consist of structures designed to appear as large, single-family structures consisting of between ten (10) and twelve (12) units per building.

As was approved in the original PUD, and required by the Municipal Code, the revised PUD provides a buffer between the multi-family development and the existing subdivision to the east with landscaping, and by retaining a row of single-family residential lots, a public street (Yosemite Parkway) and an open space area along its eastern boundary. The buffer is further enhanced by a recently constructed concrete fence around the Rustic Ridge development, and by the significant change in elevation between Rustic Ridge and Greenway Park.

A traffic study has been completed for the project, which took into account the increase in the number of dwelling units, and its effect on the surrounding street network. The traffic study

concluded that all intersections within the study area are currently operating at a Level of Service (LOS) of A, and are expected to continue to operate at a LOS of A in the year 2040, following the completion of the development. Furthermore, no warrants for the addition of a traffic signal were met as a result of the development, and no adverse traffic impacts were noted. When the Greenway Park PUD (Planned Unit Development) was initially approved, a traffic study identified a need for a traffic light at the intersection of East 15<sup>th</sup> Street and South Missouri, which the developer paid for and has been installed. A drainage study and grading plan have also been submitted to the City Engineer, and have been approved as meeting all City requirements.

The Comprehensive Land Use Plan is the planning document that describes the values and ideals expressed by the community for its future. The Plan was created in 2000 and was based on approximately two (2) years of citizen meetings and visioning intended to create a set of goals and policies regarding land use and development in the Casper area.

The Future Land Use Plan is a map element of the Comprehensive Land Use Plan that visibly sets the City's policy regarding future zoning and land use patterns. It also provides assurance and direction to property owners and the private development sector with respect to the desired development activity of specific areas. In this case, the Future Land Use Plan element of the 2000 Casper Area Comprehensive Land Use Plan identifies this area to be appropriately developed as "multi-family residential." The Comprehensive Land Use Plan states that areas shown in the plan as multi-family residential are designated for apartment, condominiums, and similar higher density types of dwelling units. Generally these areas are not expected to exceed eighteen (18) dwelling units per acre, and tend to be located near arterial streets. The Greenway Park PUD (Planned Unit Development) is consistent with the Future Land Use Plan for the area.

The first finding of Section 17.52.020 of the Casper Municipal Code, necessary to approve a PUD (Planned Unit Development), is that the PUD should be consistent with the City's Master Plan (Comprehensive Land Use Plan). While the Comprehensive Land Use Plan is not a binding legal document, it is meant to provide general guidance when considering development proposals. As page fifty three (53) of the Comprehensive Plan states, "some goals (of the plan) may appear to conflict with one another, particularly in the context of a specific situation, or when viewed from a different perspective than the context within which the policy framework was written." Although some goals and policies of the Comprehensive Land Use Plan appear to conflict, they do not exist in isolation, but instead relate to one another. It is up to the Planning and Zoning Commission and the City Council to base its decisions, and reconcile apparent conflicts, using their independent judgment.

The Comprehensive Land Use Plan establishes a list of visions, principles and goals to guide the City's land use policies and decisions. With regard to the proposed Greenway Park PUD amendments, and the development of Phase III, the proposals should be considered in context with the following applicable visions, principles and goals of the Comprehensive Land Use Plan:

**Vision 1: Diverse Economy** –An expanded, more diversified, and stable economy that continuously grows new jobs that pay a higher wage than the current average.

Principle E – Balance Housing Supply with Demands Created by Economic Growth.

Goal 7 – Provide a variety of housing types and densities offering convenient and affordable housing to meet the demands created by growth in industrial and commercial development.

**Vision 3: Compact Development** – A compact development pattern of cohesive neighborhoods and corridors.

Principle K – Direct Growth to Encourage Infill and Redevelopment.

Goal 20 – Direct future development to underutilized or vacant parcels within the developed urban area where City services and infrastructure already exist.

Goal 24 – New infill development should be consistent with existing development.

**Vision 4: Cohesive Residential Neighborhoods** – Stable, safe, easily-accessible, interconnected, cohesive residential neighborhoods.

Principle O – Minimize Changes to Existing Residential Neighborhoods.

Goal 30 – Ensure that changes to existing residential neighborhoods are compatible in terms of use, design and scale, and that negative impacts are adequately mitigated.

**Vision 5: Open Space Connections** – A system of connected parks, open spaces, and trails that enriches the lives of citizens by providing opportunities for education, nature, art, fishing, wildlife observation, exercise, hiking, conservation of natural areas and social interaction.

Principle R – Increase the Interconnection of Open Spaces and Recreational Resources.

Goal 34 – Develop a system of parks, open space, recreation facilities and residential neighborhoods interconnected by pedestrian and bicycle trails and greenways.

**Vision 8: Distinct Character** – An attractive community with a distinct character as reflected by the streetscape, buildings, neighborhoods, and public facilities.

Principle W – Protect Casper’s Character.

Goal 43 – Foster new development that respects the character of existing neighborhoods and the Casper area.

Principle Y – Promote High Quality Design.

Goal 45 – Promote excellence in site planning, architecture, and the design of landscaping, lighting, and signage in all commercial, industrial and residential developments.

Goal 46 – Ensure new developments are pedestrian friendly.

**Vision 9: Attainable Housing** – A community that offers a full range of housing types to meet the needs and expectations of people of all incomes, lifestyles, and age groups.

Principle Z – Provide for Adequate Attainable Housing.

Goal 48 – Promote the availability of adequate, safe, and well-served housing for all age groups and populations in the Casper area.

Goal 50 – Encourage design that mitigates potential impacts of high density residential development on established residential neighborhoods.

Goal 51 – Encourage the distribution of affordable housing in order to achieve a diversified community.

The requested replat meets or exceeds all minimum requirements of the Casper Municipal Code; therefore, staff is recommending in favor of its approval, without any recommended conditions.

# Greenway Park III Replat



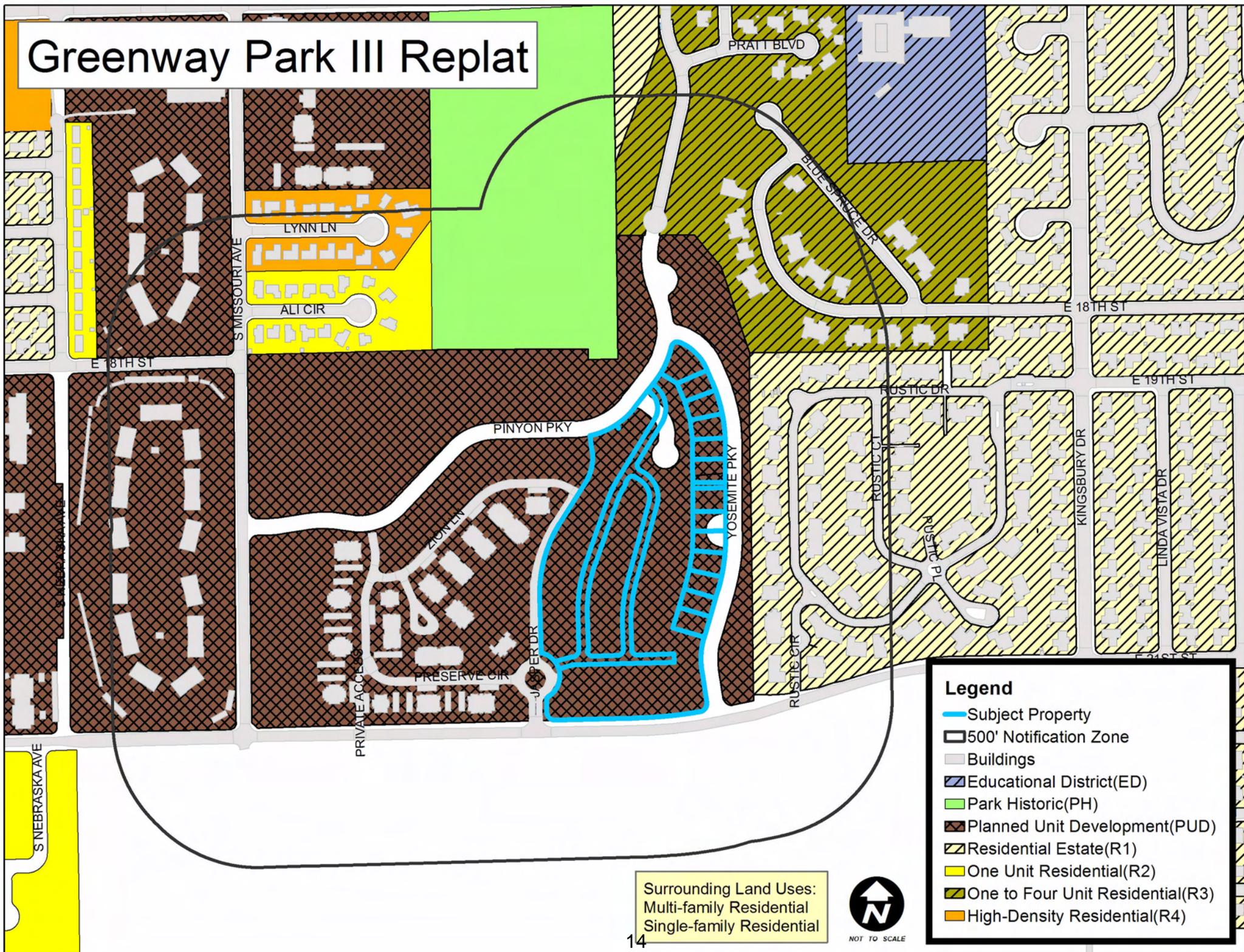
## Legend

- Subject Property
- Buildings



NOT TO SCALE

# Greenway Park III Replat



**Legend**

- Subject Property
- 500' Notification Zone
- Buildings
- Educational District(ED)
- Park Historic(PH)
- Planned Unit Development(PUD)
- Residential Estate(R1)
- One Unit Residential(R2)
- One to Four Unit Residential(R3)
- High-Density Residential(R4)

Surrounding Land Uses:  
 Multi-family Residential  
 Single-family Residential



NOT TO SCALE

PLAT OF  
**"GREENWAY PARK III"**  
 AN ADDITION TO THE CITY OF CASPER, WYOMING  
 A VACATION AND REPLAT OF ALL OF  
 LOTS 15 THROUGH 32, INCLUSIVE, CLOUD PEAK LANE,  
 AND A PORTION OF TRACT G,  
 GREENWAY PARK II,  
 AN ADDITION TO THE CITY OF CASPER, WYOMING,  
 A SUBDIVISION OF PORTIONS OF THE  
 SE1/4NW1/4 & W1/2NE1/4, SECTION 14,  
 TOWNSHIP 33 NORTH, RANGE 79 WEST OF THE SIXTH PRINCIPAL MERIDIAN  
 NATRONA COUNTY, WYOMING

SHEET 1 OF 2

**APPROVALS**

APPROVED: Planning and Zoning Commission of Casper, Wyoming this \_\_\_\_\_ day of \_\_\_\_\_, 2015, and forwarded to the City Council of Casper, Wyoming with recommendation that said plat be approved.

Commission Chairman \_\_\_\_\_ Secretary \_\_\_\_\_  
 APPROVED: City Council of the City of Casper, Wyoming by Ordinance No. \_\_\_\_\_ duly passed, adopted and approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Attest:  
 City Clerk \_\_\_\_\_ Mayor \_\_\_\_\_  
 INSPECTED AND APPROVED on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

City Engineer \_\_\_\_\_  
 INSPECTED AND APPROVED on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

City Surveyor \_\_\_\_\_  
 Filed for Record in the Office of the County Clerk of Natrona County, Wyoming this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

County Clerk \_\_\_\_\_

**CERTIFICATE OF DEDICATION**

HAYSTACK PROPERTIES, LLC, hereby certifies that they are the owners and proprietors of the foregoing location and report of all of lots 15 through 32, inclusive, Tract G and Cloud Peak Lane, Greenway Park II, an Addition to the City of Casper, Wyoming and being a subdivision of portions of the SE1/4NW1/4 and W1/2NE1/4, Section 14, Township 33 North, Range 79 West of the Sixth Principal Meridian, Natrona County, Wyoming, and being more particularly described by metes and bounds as follows:

Beginning at the northwesterly corner of the Parcel being described and also a point in the curved southerly line of Frigon Parkway and the curved northerly line of Tract G, Greenway Park II and from which point the CW/16 corner of said Section 14 bears N.20°43'00"W, 293.04 feet; thence from said Point of Beginning and along the northerly line of said Parcel and the southerly line of said Frigon Parkway and along the arc of a true curve to the left, having a radius of 280.00 feet and through a central angle of 39°43'27", northerly, 184.13 feet and the chord of which bears N.62°47'07", 190.266 feet to a point of tangency; thence N.36°52'07", 122.80 feet to a point of curve; thence continuing along the northerly line of said Parcel and the southerly line of said Frigon Parkway and along the arc of a true curve to the left, having a radius of 200.00 feet and through a central angle of 22°31'48", northerly, 130.90 feet and the chord of which bears S.29°47'14", 134.78 feet to a point of reverse curve; thence along the arc of a true curve to the right, having a radius of 20.00 feet and through a central angle of 37°37'06", northerly, 34.08 feet and the chord of which bears N.61°40'51", 30.10 feet to a point of compound curve in the westerly line of Yosemite Parkway; thence along the easterly line of said Parcel and the westerly line of said Yosemite Parkway and along the arc of a true curve to the right, having a radius of 170.00 feet and through a central angle of 46°14'47", southeasterly, 127.22 feet and the chord of which bears S.48°47'09", 133.52 feet to a point of tangency; thence S.23°06'44", 52.80 feet to a point of curve; thence continuing along the easterly line of said Parcel and the westerly line of said Yosemite Parkway and along the arc of a true curve to the right, having a radius of 50.00 feet and through a central angle of 23°36'19", southeasterly, 234.83 feet and the chord of which bears S.11°58'20", 233.18 feet to a point of tangency; thence S.02°28'46", 39.15 feet to a point of curve; thence continuing along the easterly line of said Parcel and the westerly line of said Yosemite Parkway and along the arc of a true curve to the right, having a radius of 670.00 feet and through a central angle of 18°35'00", southeasterly, 193.92 feet and the chord of which bears S.8°47'04"W, 193.24 feet to a point of tangency; thence S.17°04'24"W, 178.28 feet to a point of curve; thence continuing along the easterly line of said Parcel and the westerly line of said Yosemite Parkway and along the arc of a true curve to the left, having a radius of 280.00 feet and through a central angle of 20°52'37", southeasterly, 123.52 feet and the chord of which bears S.42°28'19"W, 122.52 feet to a point of tangency; thence S.87°13'57", 112.09 feet to a point of curve; thence along the arc of a true curve to the right, having a radius of 30.00 feet and through a central angle of 89°52'23", southeasterly, 46.62 feet and the chord of which bears S.36°18'21"W, 42.07 feet to a point of compound curve in the northerly line of East 21st Street; thence along the southerly line of said Parcel and the northerly line of said East 21st Street and along the arc of a true curve to the right, having a radius of 1570.00 feet and through a central angle of 81°02'37", southeasterly, 227.61 feet and the chord of which bears S.84°56'46"W, 227.41 feet to a point of tangency; thence continuing along the southerly line of said Parcel and the northerly line of said East 21st Street, S.83°58'14"W, 293.40 feet to a point of curve; thence along the westerly line of said Parcel and the easterly line of an existing public access and utility easement and the arc of a true curve to the right, having a radius of 30.00 feet and through a central angle of 80°03'00", northerly, 47.32 feet and the chord of which bears N.45°51'46"W, 42.43 feet to a point of tangency; thence N.07°16'46"W, 40.53 feet to a point of curve; thence continuing along the westerly line of said Parcel and the easterly line of an existing public access and utility easement and along the arc of a true curve to the right, having a radius of 20.00 feet and through a central angle of 86°24'43", northerly, 20.39 feet and the chord of which bears N.28°07'27", 19.92 feet to a point of reverse curve; thence along the arc of a true curve to the left, having a radius of 280.00 feet and through a central angle of 134°48'17", northerly, 247.43 feet and the chord of which bears N.93°20'06", 158.99 feet to a point of end of said curve; thence continuing along the westerly line of said Parcel and the easterly line of said existing public access and utility easement, N.07°16'46"W, 199.30 feet to a point of curve; thence along the arc of a true curve to the right, having a radius of 480.00 feet and through a central angle of 33°45'49", northerly, 282.86 feet and the chord of which bears N.16°07'00", 278.78 feet to a point of tangency; thence continuing along the westerly line of said Parcel and the easterly line of said existing public access and utility easement, N.32°54'03", 169.37 feet to a point of curve; thence along the arc of a true curve to the left, having a radius of 170.00 feet and through a central angle of 42°37'01", northerly, 120.52 feet and the chord of which bears N.12°30'30", 118.61 feet to a point of tangency; thence continuing along the westerly line of said Parcel and the easterly line of said existing public access and utility easement, N.74°30'00", 54.05 feet to the Point of Beginning and containing 15.000 acres, more or less.

The report of the foregoing described lands as appears on this plat is with the free consent and in accordance with the desires of the above named owners and proprietors. The name of said subdivision shall be known as "GREENWAY PARK III", an Addition to the City of Casper, Wyoming and all streets as shown hereon are hereby reserved for purposes of construction, operation and maintenance of public utility lines, conduits and ditches. Public access easements as shown hereon are hereby dedicated for the use of the public.

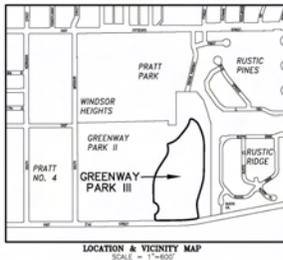
Haystack Properties, LLC  
 200 Skyline Drive  
 Golden, CO 80401

Donald B. Berland, member

**ACKNOWLEDGMENT**

State of \_\_\_\_\_ as  
 County of \_\_\_\_\_  
 The foregoing instrument was acknowledged before me by Donald B. Berland, Member of Haystack Properties, LLC on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Witness my hand and official seal.  
 My commission expires \_\_\_\_\_ Notary Public \_\_\_\_\_



**CERTIFICATE OF SURVEYOR**

STATE OF WYOMING  
 COUNTY OF NATRONA

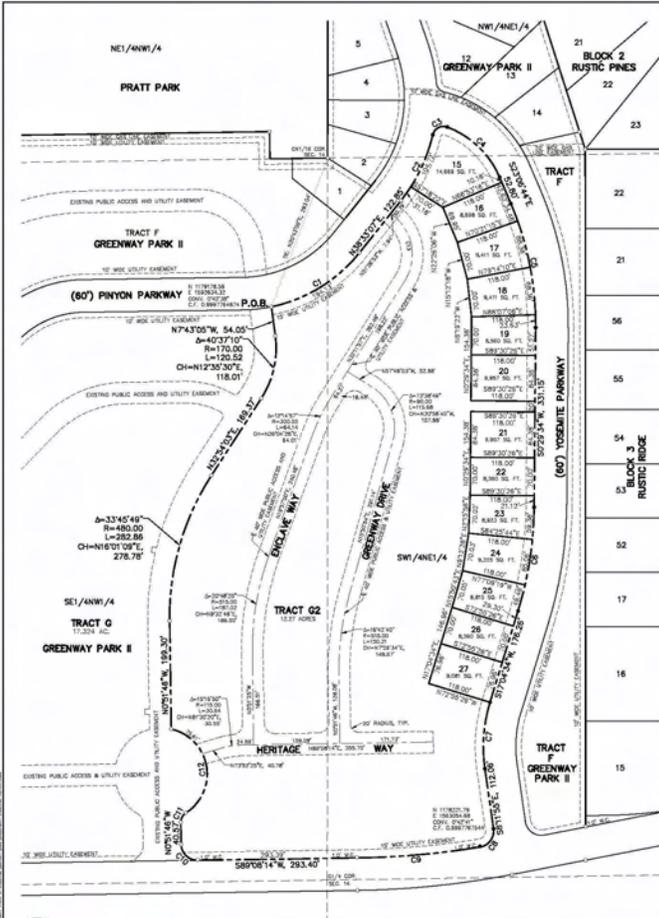
I, Steve M. Costle, of Casper, Wyoming hereby state that this plat was prepared from notes taken during actual surveys made by me or others under my direct supervision during the months of August, 2008 and December, 2014 and that this map correctly represents said surveys. All perimeter corners are well and accurately monumented by brass caps as of the date of this map. All dimensions are expressed in feet and decimals thereof and courses referred to the true meridian, all being true and correct to the best of my knowledge and belief.

Wyoming Registration No. 6010 L.S. \_\_\_\_\_

Subscribed in my presence and sworn to before me by Steve M. Costle this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

My commission expires \_\_\_\_\_ Notary Public \_\_\_\_\_





PLAT OF  
 "GREENWAY PARK III"  
 AN ADDITION TO THE CITY OF CASPER, WYOMING  
 A VACATION AND REPLAT OF ALL OF  
 LOTS 15 THROUGH 32, INCLUSIVE, CLOUD PEAK LANE,  
 AND A PORTION OF TRACT G,  
 GREENWAY PARK II,  
 AN ADDITION TO THE CITY OF CASPER, WYOMING,  
 A SUBDIVISION OF PORTIONS OF THE  
 SE1/4NW1/4 & W1/2NE1/4, SECTION 14,  
 TOWNSHIP 33 NORTH, RANGE 79 WEST  
 SIXTH PRINCIPAL MERIDIAN  
 NATRONA COUNTY, WYOMING

SHEET 2 OF 2



DATUM:  
 GROUND DISTANCE - U.S. FEET  
 BASIS OF BEARING - GEODETIC BASED ON GPS  
 COORDINATES REFER TO CITY OF CASPER GIS DATUM,  
 WYOMING STATE PLANE COORDINATES, EAST CENTRAL  
 ZONE, NAD83/96.

LEGEND

- BRASS CAP CORNER
- SET 5/8" REBAR N/A/L CAP
- SET BRASS CAP
- BOUNDARY
- - - - DISSEMINATED
- MEASURED AND RECORDED

CURVE TABLE

CURVE NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	R. DISTANCE
C1	39°43'27"	283.00'	184.15'	N68°24'30"E	180.26'
C2	20°27'48"	300.00'	138.80'	N61°04'10"E	134.78'
C3	8°27'58"	20.00'	34.08'	N81°04'30"E	30.10'
C4	46°14'49"	170.00'	127.20'	S84°14'00"E	123.00'
C5	23°26'19"	570.00'	234.83'	S11°18'20"E	233.18'
C6	10°20'00"	870.00'	183.80'	S81°04'00"E	180.24'
C7	29°18'29"	280.00'	133.50'	S42°18'18"E	123.24'
C8	89°02'22"	20.00'	48.82'	S81°02'21"E	45.57'
C9	81°02'22"	1570.00'	227.61'	S84°58'49"E	227.41'
C10	80°00'00"	30.00'	43.10'	N45°00'00"E	43.43'
C11	88°24'43"	20.00'	20.38'	N28°27'38"E	18.85'
C12	13°14'41"	80.00'	188.88'	N93°08'00"E	188.80'
C13	83°38'50"	90.00'	131.29'	N83°28'08"E	120.00'



ENGINEERING & SURVEYING • PLANNING  
 3001 PRINCEDALE, CASPER, WY 82401  
 PHONE: (307) 233-1111 FAX: (307) 233-1111

January 23, 2015

MEMO TO: Members, Planning and Zoning Commission

FROM: Liz Becher, Community Development Director  
Craig Collins, AICP, City Planner  
Aaron Kloke, MCRP, Planner I

SUBJECT: **PLN-14-068-S** – *(Continued from November 25, 2014)* Planned Unit Development (PUD) site plan amendments to the Greenway Park PUD (also known as “The Preserve”); and detailed site plan approval for Phase III, “The Enclave at Greenway Park,” Said amendment to the PUD proposes to increase the allowable site density from a maximum of 429 dwelling units to a maximum of 530 dwelling units, and is reconfiguring the overall site and street layout. The Greenway Park PUD is generally located north of East 21<sup>st</sup> Street and east of South Missouri Avenue. Applicant: Haystack Properties, LLC.

**PLN-14-067-R** – *(Continued from November 25, 2014)* Petition to vacate and replat all of Lots 15 – 32, inclusive, Cloud Peak Lane, and a Portion of Tract G, Greenway Park II, to create Greenway Park III, comprising 15.095-acres, more or less, generally located north of East 21<sup>st</sup> and east of South Missouri Streets. Applicant: Haystack Properties, LLC.

Recommendation on the Greenway Park PUD Amendment, and the detailed Site Plan for Phase III, “The Enclave at Greenway Park”:

In the absence of information that may be presented during public testimony, staff recommends that the Planning and Zoning Commission approve the proposed revisions to the PUD Guidelines for the Greenway Park PUD (Planned Unit Development); and the detailed Site Plan for Phase III, “The Enclave at Greenway Park,” and forward a do-pass recommendation to the City Council based on the findings attached as the Exhibit labeled “PUD Findings” to this staff report, and with the following conditions:

1. All exterior lighting shall utilize full-cutoff fixtures to prevent off-site glare and light intrusion.
2. Prior to review by the City Council, the applicant shall provide a water and sewer study to the Public Utilities Department for review and approval, and any necessary improvements resulting from the study, either on, or off-site, shall be addressed in the Site Plan Agreement.
3. Public access easements shall be provided for all trails and pathways, and said trails and pathways shall be constructed to standard City standards.

4. There is a discrepancy between the narrative outlining changes to Section VI(D) of the PUD Guidelines pertaining to allowing parking on both sides of public streets, and the street cross sections provided on Exhibit A (Overall Site Development Plan), which shows that public streets are designed for parking on only one side of the street. Prior to final approval of the PUD amendments, the discrepancy shall be corrected.
5. Upon final approval of amendments to the original PUD (Planned Unit Development) Guidelines, the applicant shall provide, to the Community Development office, a complete set of new PUD Guidelines, both in hard copy and digital format, which shall supersede and replace the previously approved Guidelines.

Recommendation on the replat creating Greenway Park III:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the replat creating the Greenway Park III Addition, and forward a “do pass” recommendation to the City Council.

Code Compliance:

Staff has complied with all legal notification requirements of Section 16.24 of the Casper Municipal Code pertaining to replats, and Sections 17.12.150 and Chapter 17.52 pertaining to site plans and PUD’s (Planned Unit Developments), including notification of property owners within three hundred (300) feet by first class mail, posting a sign on the subject property, and publishing a legal notice in the Casper Star-Tribune. The Planning and Zoning Commission is responsible for reviewing replats and PUD amendments, and providing a recommendation to the City Council to approve, approve with conditions, deny, or table the proposals. Staff has received twenty (20) letters in opposition from ten (10) individuals in regard to the project, which have been attached as exhibits for the Planning and Zoning Commission’s review.

With regard to the proposed PUD Guidelines amendment and the detailed site plan review for Phase III, “The Enclave at Greenway Park,” Section 17.12.150(D) of the Casper Municipal Code provides the review criteria for the approval of a site plan. Those criteria include whether the site plan is compatible with the goals and policies of the City’s adopted plans. Other design-related criteria for the approval of a site plan include the following:

- Promote the efficient use of land by means of a sound arrangement of buildings, safe and functional points of access, well planned parking circulation systems, and adequate sidewalks and pathways for pedestrians.
- Provide for landscaping, and within high density housing complexes, usable open space, such as, but not limited to, bicycle paths, playground areas, courtyards, areas for active recreation, swimming pools, landscaping, gardens, walks, outdoor seating areas, outdoor picnic areas, and similar open space.
- Preserve and utilize where possible, existing landscape features and amenities, and blend such features with the new structures and other improvements.

In that the proposal involves a PUD (Planned Unit Development), Section 17.52.010 of the Municipal Code states that the purpose of the PUD zoning district is:

“To provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a professional, prepared comprehensive plan and program. The PUD is intended to be used to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economics in land development, maintenance, streets systems, and utility networks while providing building groupings for privacy, usable open spaces, and vehicle and pedestrian circulation for the inhabitants.”

Pursuant to Section 17.52.020 of the Municipal Code, the findings necessary for the approval of a PUD are as follows:

- A. Be compatible with the goals and policies of the city master plan and other applicable adopted plans and policies;
- B. Be compatible with the area surrounding the project site and place no greater demand on existing city facilities and services than can be furnished by the city;
- C. Promote the efficient use of land by means of more economical arrangement of buildings, circulation systems, land uses, densities, and utilities;
- D. Provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas, and similar open space;
- E. Demonstrate flexibility and quality in design to permit diversification in the location, type, and uses of structures;
- F. Combine and coordinate architectural styles, building forms, and building relationships within the development and in concert with adjacent and surrounding land and development;
- G. Minimize impact on adjacent zoning districts by limiting building heights, providing screening and/or other buffers;
- H. Preserve and utilize where possible, existing landscape features and amenities and encourage the harmonious combination of such features with structures and other improvements;
- I. Be designed and developed as a whole under the control of one owner, partnership, corporation, or agency;
- J. Consist of such a mixture of uses, density, or characteristic or creative design;
- K. Constitute a buffer zone between existing land uses and existing zones;

- L. Consist of a land area of a minimum of one and one-half acres in size; a smaller land area may be permitted with written approval by the Commission.

Summary:

Haystack Properties, LLC has applied for approval of three (3) distinct, but related actions. The first request is for approval of amendments to the Greenway Park PUD (Planned Unit Development) Guidelines; The second portion of the request is for the approval of the detailed site plan for Phase III, "The Enclave at Greenway Park." The final request is for a replat creating the Greenway Park III Addition.

The applicant initially applied for Planning and Zoning Commission review in November of 2014. At the recommendation of staff, the applicant held a neighborhood meeting on November 20, 2014. As a result of comments heard at the neighborhood meeting, the applicant decided to make several significant changes to the layout and design of the project, and requested a continuance to the January 27, 2015 Planning and Zoning Commission public hearing to allow them adequate time to alter their plans.

The Greenway Park PUD (Planned Unit Development), also known as "The Preserve" is located north of East 21<sup>st</sup> Street and east of Missouri Avenue. The original Greenway Park PUD was approved in 2008. Section VI of the PUD Guidelines specified that minor changes to the PUD, as well as detailed site plans for each phase, are to be approved administratively by Community Development staff, provided detailed site plans or changes are in general conformance with the PUD, as approved. Subsequent to the initial approval of the Greenway Park PUD in 2008, the Phase I site plan was approved in 2009, and the Phase II site plan was approved in 2012. Using the standards found in Section VI of the approved PUD Guidelines, along with the standards found in Section 17.52.130, City staff determined that both Phase I and Phase II were in general conformance with the approved PUD Guidelines, and were therefore, approved administratively.

As stated in Section VI of the PUD Guidelines, the original Phasing Plan, boundaries and land use areas, as depicted, were conceptual, and subject to alteration through an administrative approval process. As stated in Section 17.52.130(A)(2), it is at the discretion of the Community Development Director and the City Engineer to determine if a change is a substantial change which must be approved by the Planning and Zoning Commission and City Council, or whether a change is a minor change, which may be approved by the Community Development Director.

When the Phase I and Phase II site plans were reviewed and administratively approved, the boundaries of those phases did change from the conceptual Phasing Plan, with Phase I being much smaller than the original conceptual plan illustrated, and Phase II being larger than the original conceptual plan illustrated. The developer shifted the locations of a number of the dwelling units/buildings to the east, in essence, "borrowing" density from the future phases of development on the west side of Greenway Park. The PUD Guidelines specified that the total allowable density for the entire PUD would be limited to no more than 7.3 dwelling units per acre. The developer was informed at the time that Phase II was approved that at the point at which the total the density for the Greenway Park PUD hit its maximum, then no further site plans or phases could be approved, and any further development or increase in density would require a major amendment to the Greenway Park PUD (Planned Unit Development) Guidelines.

A major amendment to a PUD (Planned Unit Development) must be reviewed by the Planning and Zoning Commission and City Council, requiring the notification of neighbors and applicable public hearing(s).

The applicant has provided a written summary of the requested changes to the PUD Guidelines, attached as an Exhibit, for the Commission's reference. Many of the changes are minor, or simple clean-up type changes. The most significant changes to the PUD Guidelines are discussed below.

The Greenway Park PUD encompasses an area of approximately 58.73-acres. Phase I consisted of two hundred eight (208) dwelling units, and Phase II consisted of one hundred sixty (160) dwelling units for a total density of 6.3 dwelling units per acre. The original PUD allowed up to a maximum of four hundred twenty nine (429) dwelling units, and Phase I and Phase II together account for a total of three hundred sixty eight (368) dwelling units, leaving another sixty one (61) dwelling units that could be developed before the PUD reached its maximum allowable density. The developer now wishes to construct Phase III, but would like to increase the density and construct one hundred thirty four (134) Big House/Mansion multi-family dwelling units, along with twenty-seven (27) single-family residences, for a total increase in the number of allowable dwelling units from four hundred twenty nine (429) to five hundred thirty (530). At five hundred thirty (530) dwelling units, the overall density of the PUD would be approximately nine (9) dwelling units per acre. According to Section 17.52.040 of the Municipal Code, the maximum permissible density for a PUD (Planned Unit Development) located adjacent to R-1 (Residential Estate) zoning is twenty-four (24) dwelling units per acre. The proposed change is significantly under the allowed maximum density.

In addition to the requested increase in the number of allowable dwelling units the applicant is requesting a change in the type of structures that would be constructed in Phase III. The original PUD presented a concept which the developer referred to at the time as "Mansion Homes." Mansion homes were described as multi-family structures, consisting of three (3) dwelling units, and constructed to appear as a single, large residential home. Additionally, the original PUD proposed that two (2) to six (6) unit, two-story townhomes would also be constructed along the eastern portion of the PUD. The developer is now proposing that Phase III be constructed as multi-family structures that the developer refers to as a "Big House/Mansion multi-family concept." The Big House/Mansion multi-family concept is a new concept for Casper, and according to the developer, is similar to both the Mansion Homes and the townhomes that were originally proposed. The Big House/Mansion multi-family structures will be two (2) stories in height, and will consist of structures designed to appear as large, single-family structures consisting of between ten (10) and twelve (12) units per building.

As was approved in the original PUD, and required by the Municipal Code, the revised PUD provides a buffer between the multi-family development and the existing subdivision to the east with landscaping, and by retaining a row of single-family residential lots, a public street (Yosemite Parkway) and an open space area along its eastern boundary. The buffer is further enhanced by a recently constructed concrete fence around the Rustic Ridge development, and by the significant change in elevation between Rustic Ridge and Greenway Park.

A traffic study has been completed for the project, which took into account the increase in the number of dwelling units, and its effect on the surrounding street network. The traffic study

concluded that all intersections within the study area are currently operating at a Level of Service (LOS) of A, and are expected to continue to operate at a LOS of A in the year 2040, following the completion of the development. Furthermore, no warrants for the addition of a traffic signal were met as a result of the development, and no adverse traffic impacts were noted. When the Greenway Park PUD (Planned Unit Development) was initially approved, a traffic study identified a need for a traffic light at the intersection of East 15<sup>th</sup> Street and South Missouri, which the developer paid for and has been installed. A drainage study and grading plan have also been submitted to the City Engineer, and have been approved as meeting all City requirements.

The Comprehensive Land Use Plan is the planning document that describes the values and ideals expressed by the community for its future. The Plan was created in 2000 and was based on approximately two (2) years of citizen meetings and visioning intended to create a set of goals and policies regarding land use and development in the Casper area.

The Future Land Use Plan is a map element of the Comprehensive Land Use Plan that visibly sets the City's policy regarding future zoning and land use patterns. It also provides assurance and direction to property owners and the private development sector with respect to the desired development activity of specific areas. In this case, the Future Land Use Plan element of the 2000 Casper Area Comprehensive Land Use Plan identifies this area to be appropriately developed as "multi-family residential." The Comprehensive Land Use Plan states that areas shown in the plan as multi-family residential are designated for apartment, condominiums, and similar higher density types of dwelling units. Generally these areas are not expected to exceed eighteen (18) dwelling units per acre, and tend to be located near arterial streets. The Greenway Park PUD (Planned Unit Development) is consistent with the Future Land Use Plan for the area.

The first finding of Section 17.52.020 of the Casper Municipal Code, necessary to approve a PUD (Planned Unit Development), is that the PUD should be consistent with the City's Master Plan (Comprehensive Land Use Plan). While the Comprehensive Land Use Plan is not a binding legal document, it is meant to provide general guidance when considering development proposals. As page fifty three (53) of the Comprehensive Plan states, "some goals (of the plan) may appear to conflict with one another, particularly in the context of a specific situation, or when viewed from a different perspective than the context within which the policy framework was written." Although some goals and policies of the Comprehensive Land Use Plan appear to conflict, they do not exist in isolation, but instead relate to one another. It is up to the Planning and Zoning Commission and the City Council to base its decisions, and reconcile apparent conflicts, using their independent judgment.

The Comprehensive Land Use Plan establishes a list of visions, principles and goals to guide the City's land use policies and decisions. With regard to the proposed Greenway Park PUD amendments, and the development of Phase III, the proposals should be considered in context with the following applicable visions, principles and goals of the Comprehensive Land Use Plan:

**Vision 1: Diverse Economy** –An expanded, more diversified, and stable economy that continuously grows new jobs that pay a higher wage than the current average.

Principle E – Balance Housing Supply with Demands Created by Economic Growth.

Goal 7 – Provide a variety of housing types and densities offering convenient and affordable housing to meet the demands created by growth in industrial and commercial development.

**Vision 3: Compact Development** – A compact development pattern of cohesive neighborhoods and corridors.

Principle K – Direct Growth to Encourage Infill and Redevelopment.

Goal 20 – Direct future development to underutilized or vacant parcels within the developed urban area where City services and infrastructure already exist.

Goal 24 – New infill development should be consistent with existing development.

**Vision 4: Cohesive Residential Neighborhoods** – Stable, safe, easily-accessible, interconnected, cohesive residential neighborhoods.

Principle O – Minimize Changes to Existing Residential Neighborhoods.

Goal 30 – Ensure that changes to existing residential neighborhoods are compatible in terms of use, design and scale, and that negative impacts are adequately mitigated.

**Vision 5: Open Space Connections** – A system of connected parks, open spaces, and trails that enriches the lives of citizens by providing opportunities for education, nature, art, fishing, wildlife observation, exercise, hiking, conservation of natural areas and social interaction.

Principle R – Increase the Interconnection of Open Spaces and Recreational Resources.

Goal 34 – Develop a system of parks, open space, recreation facilities and residential neighborhoods interconnected by pedestrian and bicycle trails and greenways.

**Vision 8: Distinct Character** – An attractive community with a distinct character as reflected by the streetscape, buildings, neighborhoods, and public facilities.

Principle W – Protect Casper’s Character.

Goal 43 – Foster new development that respects the character of existing neighborhoods and the Casper area.

Principle Y – Promote High Quality Design.

Goal 45 – Promote excellence in site planning, architecture, and the design of landscaping, lighting, and signage in all commercial, industrial and residential developments.

Goal 46 – Ensure new developments are pedestrian friendly.

**Vision 9: Attainable Housing** – A community that offers a full range of housing types to meet the needs and expectations of people of all incomes, lifestyles, and age groups.

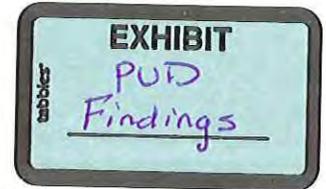
Principle Z – Provide for Adequate Attainable Housing.

Goal 48 – Promote the availability of adequate, safe, and well-served housing for all age groups and populations in the Casper area.

Goal 50 – Encourage design that mitigates potential impacts of high density residential development on established residential neighborhoods.

Goal 51 – Encourage the distribution of affordable housing in order to achieve a diversified community.

The requested replat meets or exceeds all minimum requirements of the Casper Municipal Code; therefore, staff is recommending in favor of its approval, without any recommended conditions.



January 21, 2015

Craig Collins  
City of Casper, WY - Community Development Dept.  
200 N. Davis, Room 203  
Casper, WY 82601

**Subject: Enclave at Greenway Park – Response to Finding**

Dear Craig,

Pursuant to your request in comments dated January 14, 2015, please see the following Findings for project approval (Sec. 17.52.020).

- A. Be compatible with the goals and policies of the city master plan and other applicable adopted plans and policies;  
The proposed amended plan will continue to meet the goals and policies of the original Greenway Park PUD. It will continue to be a vibrant residential community with a mix of residential unit types. This development will continue to meet the needs of the City of Casper with the high standard established within Phase I and Phase II.
- B. Be compatible with the area surrounding the project site and place no greater demand on existing city facilities and services than can be furnished by the city;  
The proposed amended plan will continue to be compatible with the surrounding area. Pursuant to staff comments, the minor increased density would not put any greater demand on existing city facilities and service than can be furnished by the city.
- C. Promote the efficient use of land by means of more economical arrangement of buildings, circulation systems, land uses, densities, and utilities;  
The nature of this amended site plan is to satisfy this exact finding. The plan provides a more economical arrangement of buildings, a better circulation system, a better use of the land and density. The proposed amended site plan will allow for an efficient extension to the existing utility system established in Phase I and Phase II that will meet the requirements as established by the city's engineering department.
- D. Provide for usable and suitably located open space such as, but not limited to, bicycle paths, playground areas, courtyards, tennis courts, swimming pools, planned gardens, outdoor seating areas, outdoor picnic areas, and similar open space;

Pursuant to the original PUD, open space equally 20% or more of the overall site is being provided that continues to satisfy this finding. A detailed accounting of this open space has been provided as part of the Phasing Plan (Exhibit D).

- E. Demonstrate flexibility and quality in design to permit diversification in the location, type, and uses of structures;

This proposed amendment plan is being requested to provide for a new and diverse type of multi-family structure. This type of multi-family unit will be new to Casper, but, is developed regularly within larger metropolitan areas. The initial PUD, and the current city development regulations are written with the attempt to allow for flexibility in the future for the introduction of newer building types.

- F. Combine and coordinate architectural styles, building forms, and building relationships within the development and in concert with adjacent and surrounding land and development;

Pursuant to the attached submittal under review, both the proposed and existing architectural style exceed current city regulations and are compatible with the surrounding community. The buildings within Phase I, II & III are placed on the land so as to work with the existing topography.

The purpose of proposing this amendment is to introduce a new and sustainable mixture of residential uses and density for the site. The new proposed architecture introduces a multi-family building not built yet in Casper, and will also be complimentary to the existing built community.

- G. Minimize impact on adjacent zoning districts by limiting building heights, providing screening and/or other buffers;

The proposed amended Site Plan and building type meet the requirements of the current and approved PUD from February 2, 2008. The maximum building height of 35-feet is proposed within this development where-as the current existing PUD allows for 45-foot tall "Townhomes (MFIII)" in this same area of the development. Specifically, pursuant to the currently approved PUD Guidelines, Townhomes, MFIII are located in areas P6 & P7. Townhomes are allowed to be built to a 45' height. Areas P6 & P7 are in the current location of the proposed Phase III. The proposed amended plan limits the height to 35-feet.

- H. Preserve and utilize where possible, existing landscape features and amenities and encourage the harmonious combination of such features with structures and other improvements;

The current undeveloped portion of this site is substantially un-vegetated and without any "existing landscape feature" or "amenity". The site is currently the victim of fly-dumping soil and construction debris from off site. The proposed Site Plan will introduce additional landscaping and amenities to the area.

Mr. Craig Collins  
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January 21, 2015  
Page | 3

- I. Be designed and developed as a whole under the control of one owner, partnership, corporation, or agency;  
The Ownership and control of the site was not significantly changed since the inception of the PUD.
- J. Consist of such a mixture of uses, density, or characteristic or creative design;  
The purpose of proposing this amendment is to introduce a new and sustainable mixture of residential uses and density for the site. The new proposed architecture introduces a multi-family building not built yet in Casper, and will also be complimentary to the existing built community.
- K. Constitute a buffer zone between existing land uses and existing zones;  
The purpose of the existing PUD is to provide a buffer between the high density apartment complexes west of the site, and the existing single-family homes to the east of the site. The proposed amendment satisfies the same.
- L. Consist of a land area of a minimum of one and one-half acres in size; a smaller land area may be permitted with written approval by the commission.  
The overall Greenway Park PUD contains approximately 58.73 acres. The proposed amendment (Phase III) contains approximately 13.56 acres.

Sincerely,  
**Galloway**

Timothy T. Nelson RLA, CDP, ASLA  
Planning & Landscape Architecture Team Manager  
TimNelson@gallowayUS.com  
cc: Don Berland

Mr. Craig Collins  
The Enclave at Greenway Park  
January 21, 2015  
Page | 4



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Google earth



# Greenway Park Planned Unit Development (PUD)



**Legend**

- Greenway Park PUD
- 500' Notification Zone
- Buildings
- Educational District(ED)
- Park Historic(PH)
- Planned Unit Development(PUD)
- Residential Estate(R1)
- One Unit Residential(R2)
- One to Four Unit Residential(R3)
- High-Density Residential(R4)

Surrounding Land Uses:  
 Multi-family Residential  
 Single-family Residential

# Greenway Park Planned Unit Development (PUD)



**Legend**  
-- Greenway Park PUD





January 21, 2015 revised

City of Casper, WY  
Planning Department

**RE: Greenway Park – Simple Guide to PUD Narrative and Guidelines Amendment**

**General Notes:**

1. Replace Exhibits A, C & D, per the attached.
2. Remove all reference to MF 1 – Mansion / Multi-Family 3-unit building

**I. Project Overview and Intent**

*Remove reference in the first paragraph to "Mansion Homes" & "Townhomes"*

**Add:**

*"The purpose of this proposed amendment is to update the PUD Guidelines to design changes that occurred during the development of Phase I & Phase II, plus introduce a new building style to take the place of the MF I, Mansion/Multi-Family 3-unit buildings, and MF III, Townhome / Multi-Family 2-6 Unit building. The propose MF III, Big House / Mansion Style Multi-Family buildings will be 10-12 unit building substantially similar in architecture to the prior MF I and MF III elevations proposed.*

**II. Authority and Definitions**

*No change*

**III. Contact Information**

**Land Planner**

Galloway & Company, Inc.  
Timothy Nelson RLA, CDP, APA, ASLA  
6162 S. Willow Drive, Suite 300  
Greenwood Village, CO 80111  
303-770-8884

**IV. Site Analysis**

*No change*

**V. Planning Areas and Phasing**

*Modify text to remove reference to "Mansion Homes" & "Townhomes". The section should read as follows:*

*"Greenway Park is, and will continue to be, a vibrant residential community with a mix of residential unit types. The economic market, the location of the site, existing and proposed markets, financial viability, and consideration for existing development and natural features of the project were used in considering the areas and residential unit types.*

The area around Casper is in pressing need of newly constructed and attractive apartments. There are plenty of production homes available within the Casper area, but few apartment projects have been developed in Casper within the last 25 years. Along with recent

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January 21, 2015 revised

mortgage problems, it is increasingly difficult for the workforce to purchase SFD homes. Therefore, more and more singles, couples and even families will be looking for nice, new apartments for lease. Within the 58.7 acre boundary, Greenway Park has provided a total of 368 MF II style Multi-Family units (Phase I and Phase II – complete), and over 21-acres of usable open space. Phase III will consist of 134 Big House / Mansion - MF III - style Multi-Family units. These along with the future (27) single-family homes will complete the project.

SFD lots are located along the easterly portion of the site, next to Rustic Ridge and Rustic Pines neighborhoods. These semi-custom homes will be located in the easterly parcels where there are greater slopes. The homes have been located on the western side of the proposed public roadway which reduces the grading impact and allows for an open space buffer from Rustic Ridge.

Three large open space parcels are provided within Greenway Park. One is located along the easterly portion of the project to allow for a cut slope to the proposed roadway as well as to provide a buffer from the existing residential units of Rustic Ridge. The remaining open space parcels are along the Sage Creek drainage way. Sage Creek is an intermittent stream that flows from south to north along the westerly portion of the site. Greenway Park will keep this drainage way in its natural state so that the existing wetlands will not be impacted and so that the stream will continue to be a natural water quality feature for the drainage to the existing detention pond north of Greenway Park. Greenway Park will provide a network of HOA owned and maintained trails throughout the site. These trails will provide connectivity between the parcels, adjacent properties and the proposed Pratt Park to the North.

The project phasing is based on market demand. Multi-Family parcels are developed first and Single-Family lots will be developed in a future phase. Access to Phase 3 is provided by East 21<sup>st</sup> Street to the south, Jasper Drive to the east and Pinyon Parkway to the North.”

2008 Greenway Park PUD – Site Data:

Site Area -	58.7 acres
Multi-Family Units (MF I – Mansion Home)	36 Units
Multi-Family Units (MF II)	300 Units
Multi-Family Units (MF III - Townhomes)	63 Units
Single-Family Units	30
Density	7.31 du/acre

2015 Greenway Park PUD Amendment (Proposed) – Site Data:

Site Area -	58.7 acres
Multi-Family Units (MF II)	368 Units
Multi-Family Units (MF III – Big House/Mansion)	134 Units
Single-Family Units	27
Density	9.01 du/acre

Chapter 17.52 – PLANNED UNIT DEVELOPMENT (PUD)

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Section 17.52.040 – "A PUD may be for a tract of residential land that will accommodate not more than thirty-six (36) dwelling units per acres....."

Site Area -	58.7 acres
Dwelling Units Allowed by Zoning	2,113 Units
Density -	36 du/acre

## **VI. Planned Unit Development Guidelines**

### **VI.a. Land Use Designations and Descriptions**

**SFD** – no change except the reduction from "approximately 30-lots" to read "approximately 27 lots".

**MF 1** - Remove reference to MF I

**MF II** – Remove "The parcel area for MF III (error)- Multi-Family is approximately 21.3 acres and will be developed into approximately 300 units (14.1 du/ac)"

Replace with The parcel area for MF II consisting of Phase I and Phase II per Exhibit D and has been developed into 368 dwelling units supporting the 9.01 du/ac overall density.

**MF III** – Townhomes / Multi-Family

Replace with:

**MF III – Big House / Mansion Multi-Family**

"The MF III - Big House / Mansion Multi-Family parcel is located in the middle of the site and will transition from the SFD to MF II areas. The Parcel containing the MF-III is Phase III as depicted on Exhibit D and approximately 12.22 acres. This parcel will be developed into approximately 134 dwelling units, supporting the 9.01 du/ac overall density. The Big House/Mansion style architecture will be two-story buildings and have 10 & 12 units per building. "

**Open Space** – No Change

### **VI.b. Building Height, Setbacks and Minimum Lot Size**

Objective: - No Change

Design Guidelines: (Table)

Remove reference to MF I

"Minimum Heights, Setbacks and Lot Sizes" Remove "Minimum" (error in original PUD)

Modify "Building Height". Assumed to have been approved in error, Should Be "Maximum Building Height".

Reduce MF III "Maximum Building Height" from 45' to 35'.

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VI.c. Street Standards

**Public Residential Street**

*The public residential street design for Pinyon Parkway and Yosemite Parkway were modified after the PUD was recorded in 2008. The modified cross-section was based on the addition of parking and in coordination with the city engineering department. The revised cross-sections are exhibited on Exhibit A. And will be made part of the revised PUD Guidelines.*

**Public Access Easements/Drive**

*The public access easement drives, which consist within Phase I, II & III, are all the internal roadways and Jasper Drive. These cross-sections were modified after the PUD was recorded in 2008, and are proposed to be modified based on the 2012-international fire code section D105. The modified cross-section was based on the addition of parking and in coordination with the city engineering department. The revised cross-sections are exhibited on Exhibit A. And will be made part of the revised PUD Guidelines.*

**Trails**

*No change*

VI.d. Parking

**Objective**

*No change*

**Design Guidelines**

*Remove reference to MF I*

*Provide parking in an attractive and unobtrusive manner through the use of parking placement, location adjacent to buildings and landscape features*

*Each SFD unit will provide a minimum of two garage spaces along with two spaces within the driveway apron for a total of four off-street parking spaces per unit.*

*All public roadways will allow parallel parking on both sides of the street.*

*MF II parcels will include covered and non-covered parking. At minimum, 1.5 parking spaces for 1 bedroom units, 2.5 parking spaces for 2 bedroom units, and 2.5 parking spaces for 3 bedroom units.*

*MF III Parcel will include 1.8 off-street parking spaces per unit. Parking will be a combination of garage, driveway apron and parking spaces for residents and guests.*

*Minimum parking stall size will be 9'x20' with handicap spaces to be designed to conform to current ADA standards.*

*See Figure A, Overall Site Development Plan for Parking Summary.*

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A. **Landscaping and Fencing**  
*No change*

B. **Lighting**  
*No change*

C. **Signage and Monumentation**  
*No change*



**LEGEND:**

- BUILD A (5 TOTAL): 2 STORY, 8-ONE BEDROOM UNITS EACH, PHASE I AND PHASE II - MF II
- BUILD AT (8 TOTAL): 3 STORY, 24-ONE BEDROOM UNITS EACH, PHASE I AND PHASE II - MF II
- BUILD BA (5 TOTAL): 2 STORY, 8-TWO BEDROOM UNITS EACH, PHASE I AND PHASE II - MF II
- BUILD BB (5 TOTAL): 2 STORY, 8-TWO BEDROOM UNITS EACH, PHASE I AND PHASE II - MF II
- BUILD BT (2 TOTAL): 3 STORY, 24-TWO BEDROOM UNITS EACH, PHASE I - MF II
- BUILD C (7 TOTAL): 2 STORY, 8-THREE BEDROOM UNITS EACH, PHASE I AND PHASE II - MF II
- BIG HOUSE / MANSION / MULTI-FAMILY BUILD D (11 TOTAL): 2 STORY, 10 UNITS EACH, BUILDING HEIGHT: 35'-0" PHASE II - MF II
- BUILD E (2 TOTAL): 2 STORY, 12 UNITS EACH, BUILDING HEIGHT: 35'-0" PHASE III - MF III
- RENTAL / RECREATION CENTER (1 TOTAL) BUILDING AREA 3,778 SF. PHASE I
- RECREATION CENTER (1 TOTAL) BUILDING AREA 2,500 - 3,000 SF. PHASE III
- COVERED GARAGE PARKING (23 TOTAL) 7 PARKING SPACES PHASE I AND PHASE II

**SITE DATA**  
TOTAL LAND AREA 58.7 ACRES

PHASE	MULTI-FAMILY	SINGLE FAMILY
I*	208 (MF II)	0
II*	160 (MF II)	0
III	134 (MF III)	0
FUTURE	0	27

TOTAL MULTI-FAMILY UNITS 502 UNITS  
TOTAL SINGLE FAMILY UNITS 27 UNITS

TOTAL SITE DENSITY 529 UNITS / 58.7 AC.  
= 9.01 DU/AC  
DENSITY PER CODE SEC. 17.52.040 - 2,113 units / 58.7 = 36.00 DU/AC  
DENSITY IN 2008 P.U.D. 429 UNITS / 58.7 AC = 7.31 DU/AC

\*CURRENTLY BUILT

**MULTI-FAMILY PARKING DATA:**  
PROVIDED APARTMENTS: 502  
GARAGE SPACES: 431  
1.17 STALLS / UNIT  
SURFACE STALLS: 600  
1.19 STALLS / UNIT  
OVERALL SPACES: 1031  
2.05 STALLS / UNIT

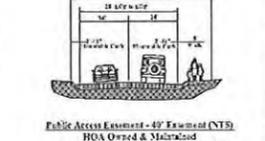
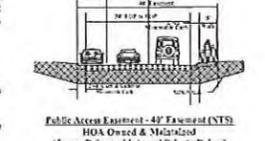
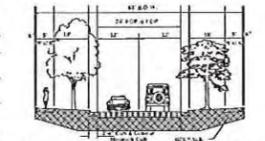
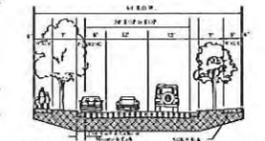
**KEY SITE DIMENSIONS:**  
INTERNAL ROAD WIDTH: 26' CLEARANCE (SEE DETAILS)

TYPICAL BUILDING DISTANCE FROM INTERNAL ROAD: 21'

\*REFER TO EXHIBIT D FOR OPEN SPACE SUMMARY

PHASE III - PARKING SUMMARY				
CASPER CITY CODE	P.U.D. MF III	DWELLING UNITS	PARKING PROVIDED	
1.21 SPACES / D.U. <small>(1.17 STALLS OFF-STREET PARKING REQUIRED)</small>	1.8 SPACES / D.U. <small>(1.19 STALLS OFF-STREET PARKING REQUIRED)</small>	134	COVERED SPACES	150 GARAGE STALLS
REQUIREMENT SATISFIED			267 SPACES PROVIDED	117 STALLS
ADDITIONAL PARKING PROVIDED			21 SPACES - JASPER DR.	

TOTAL PARKING PROVIDED EXCEEDS P.U.D. TOTAL PARKING REQUIREMENTS (DATED FEBRUARY 2, 2008)



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# GREENWAY PARK | OVERALL SITE DEVELOPMENT PLAN

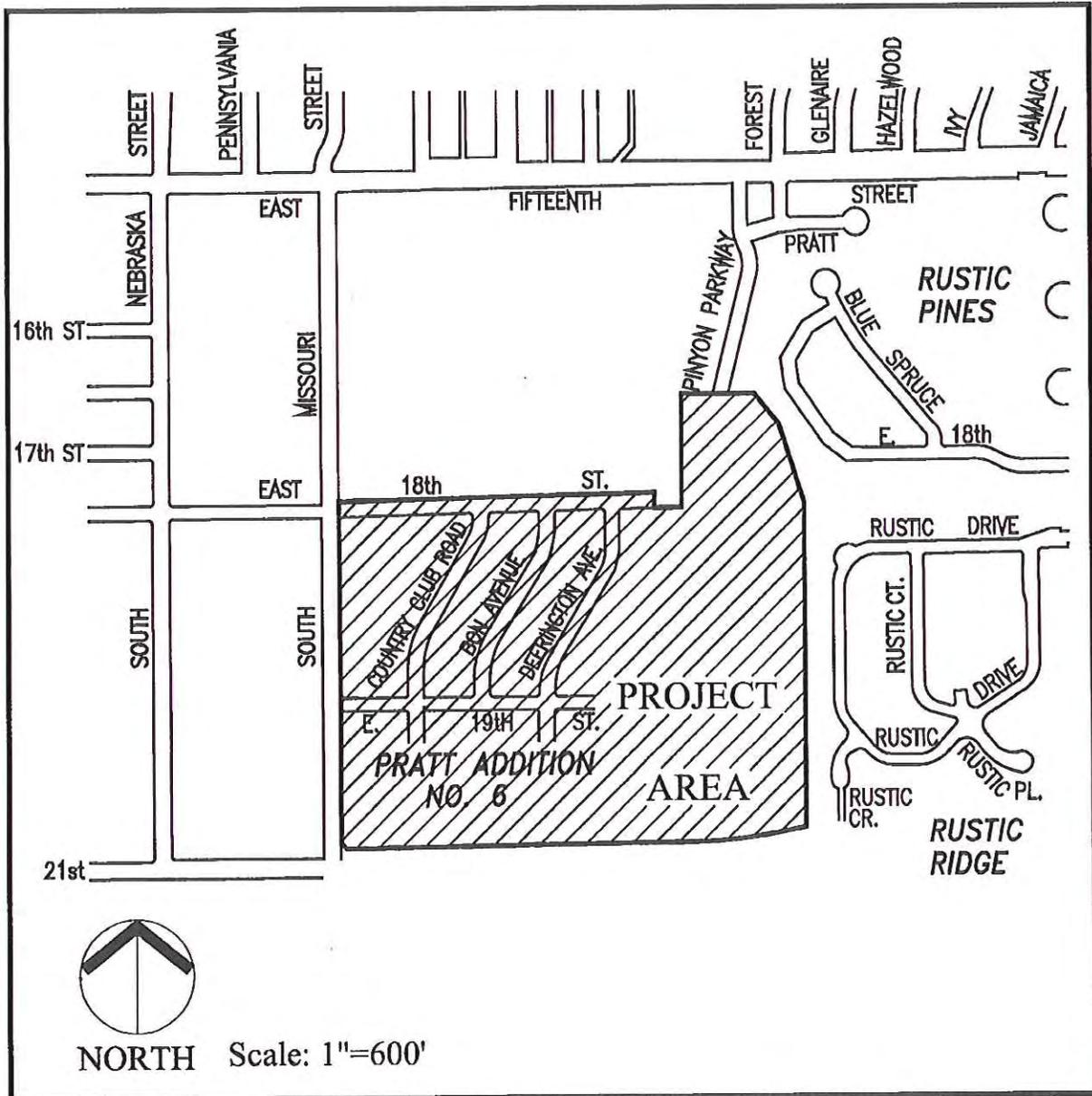
P.U.D. AMENDMENT - CASPER, WYOMING | JANUARY 21, 2015 | EXHIBIT A



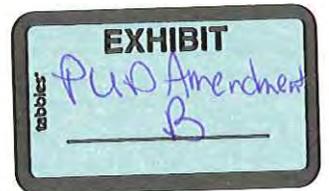
# Greenway Park

## Planned Unit Development

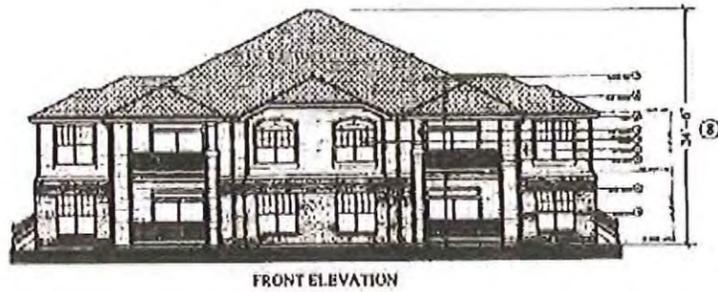
### Exhibit B



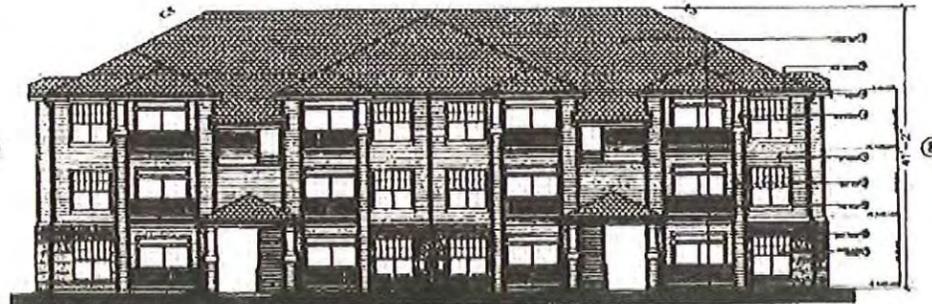
Vicinity Map



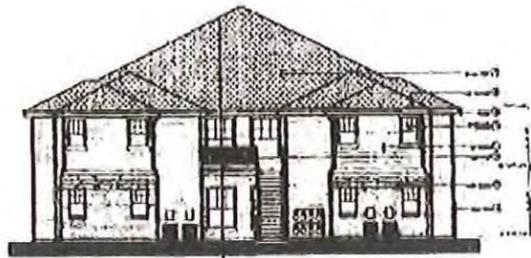
**GREENWAY PARK**  
**Planned Unit Development Site Plan**  
**Architectural Elevations**  
 Phase I and Phase II  
 Multi-Family  
 (MF II)



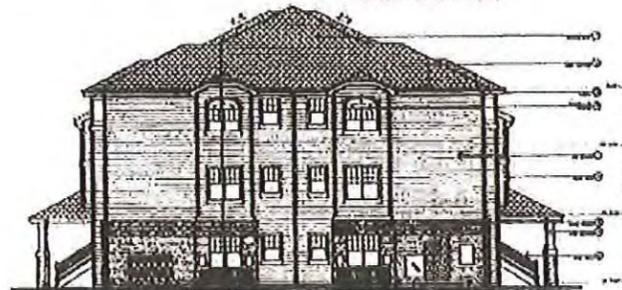
FRONT ELEVATION



FRONT ELEVATION



SIDE ELEVATION  
 ⑧ 8-UNIT MULTI-FAMILY (2A)

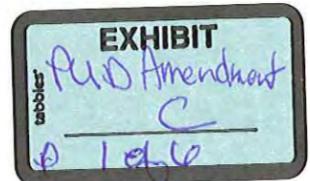


SIDE ELEVATION  
 ⑨ 24-UNIT MULTI-FAMILY (1T)

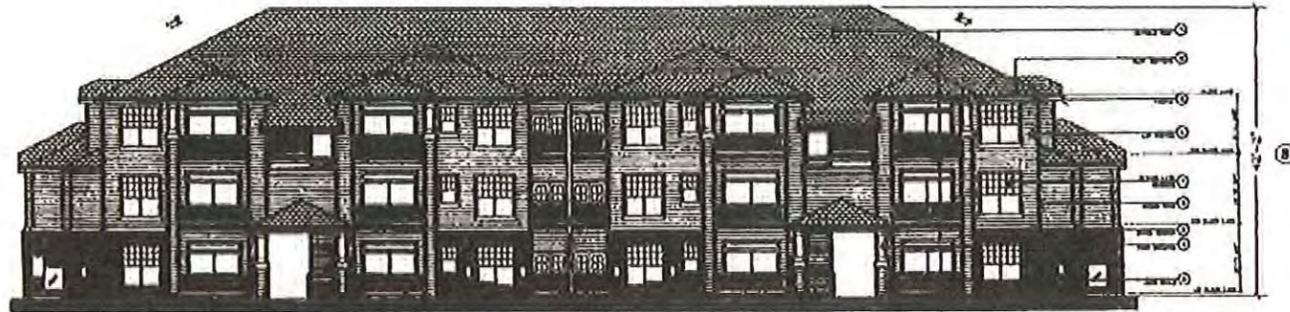
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 Rev. Jan. 07, 2008  
 Job No. 06023

Sheet  
 1 of 6

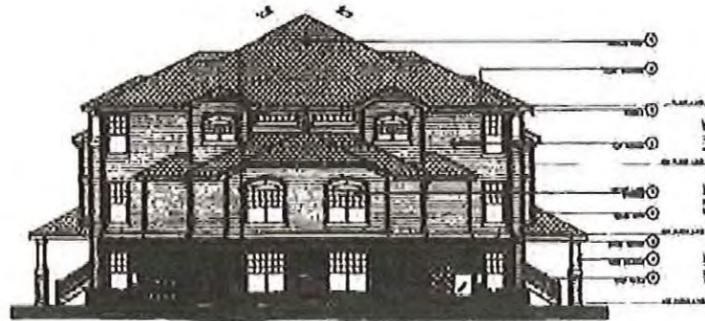
**Exhibit C**



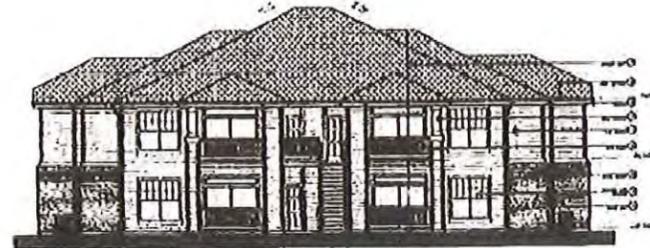
**GREENWAY PARK**  
**Planned Unit Development Site Plan**  
 Architectural Elevations  
 Phase I and Phase II  
 Multi-Family  
 (MF II)



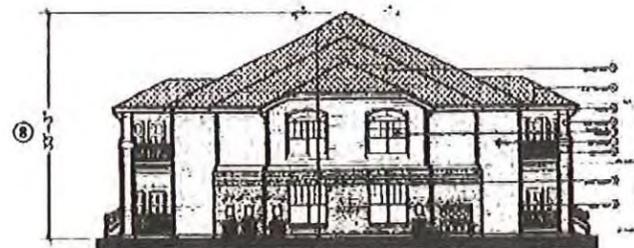
FRONT ELEVATION



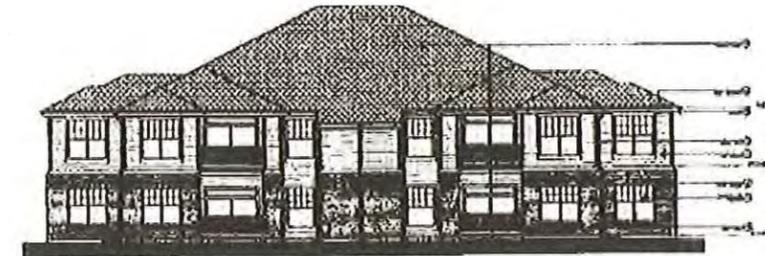
SIDE ELEVATION  
 @ 24-UNIT MULTI-FAMILY (2T)



FRONT ELEVATION



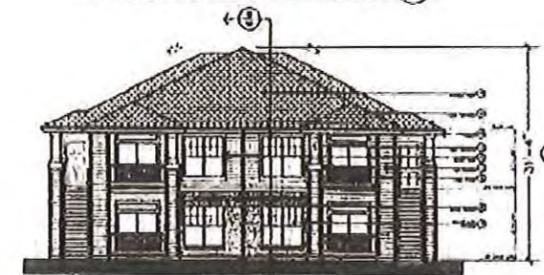
SIDE ELEVATION  
 @ 8-UNIT MULTI-FAMILY (2B)



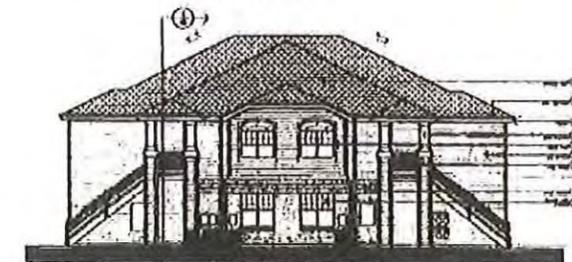
FRONT ELEVATION



SIDE ELEVATION  
 @ 8-UNIT MULTI-FAMILY (3A)



FRONT ELEVATION



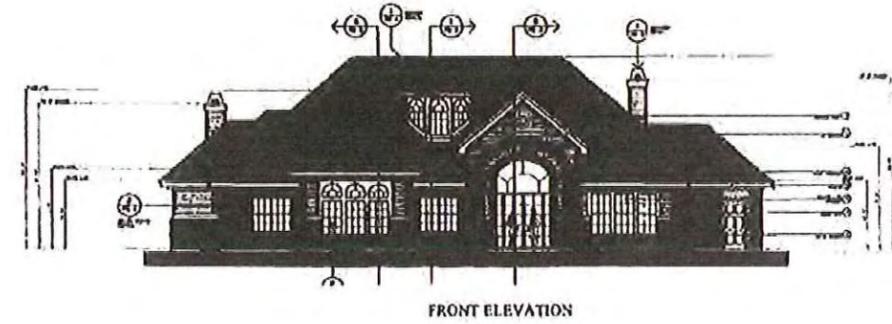
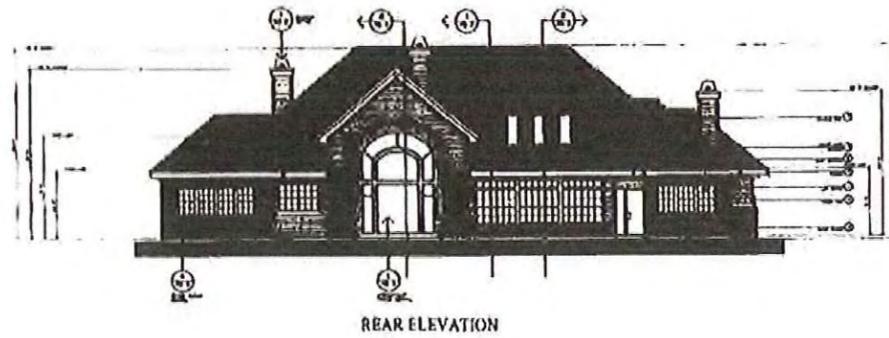
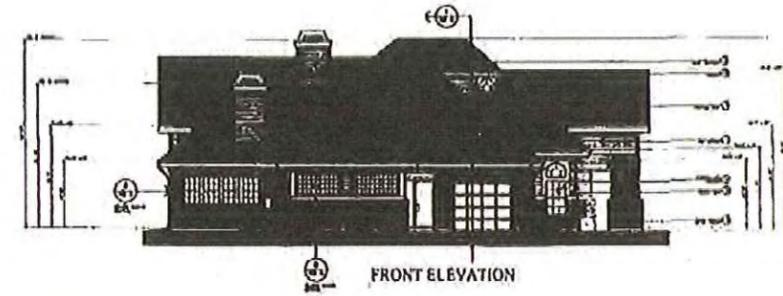
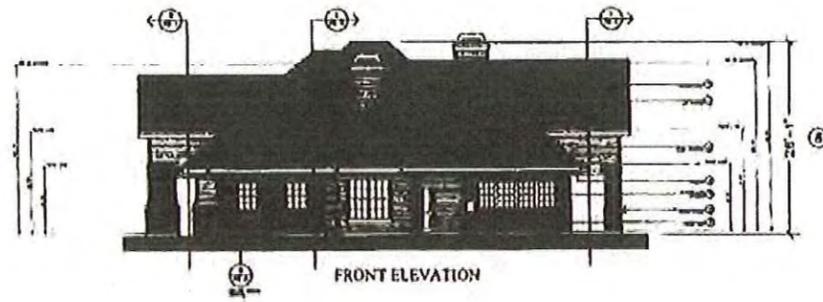
SIDE ELEVATION  
 @ 8-UNIT MULTI-FAMILY (1A)

Scale: 1"=10'  
 August 24, 2007  
 Rev. Jan. 07, 2008  
 Job No. 06023

Sheet  
 2 of 6

**Exhibit C**

**GREENWAY PARK**  
Planned Unit Development Site Plan  
Architectural Elevations  
Phase I



Ⓞ MULTI-FAMILY CLUBHOUSE

Scale: 1"=10'  
August 24, 2007  
Rev. Jan. 07, 2008  
Job No. 06023

Sheet  
3 of 6

**Exhibit C**

# ENCLAVE AT GREENWAY PARK

## Planned Unit Development Site Plan

Architectural Elevations  
Phase III Big House/Mansion  
Multi-Family (MF III)



LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

10 - Unit Multi-Family

Sheet  
4 of 6

Exhibit C

Scale: 1/8" = 1'-0"  
January 21, 2013

# **ENCLAVE AT GREENWAY PARK**

## **Planned Unit Development Site Plan**

### **Architectural Elevations**

#### **Phase III Big House/Mansion**

#### **Multi-Family (MF III)**



LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

12 - Unit Multi-Family

Sheet  
5 of 6

Exhibit C

Scale: 1/8" = 1'-0"  
Issue: 11.12.13

**ENCLAVE AT GREENWAY PARK**  
Planned Unit Development Site Plan  
Architectural Elevations  
Phase III



LEFT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



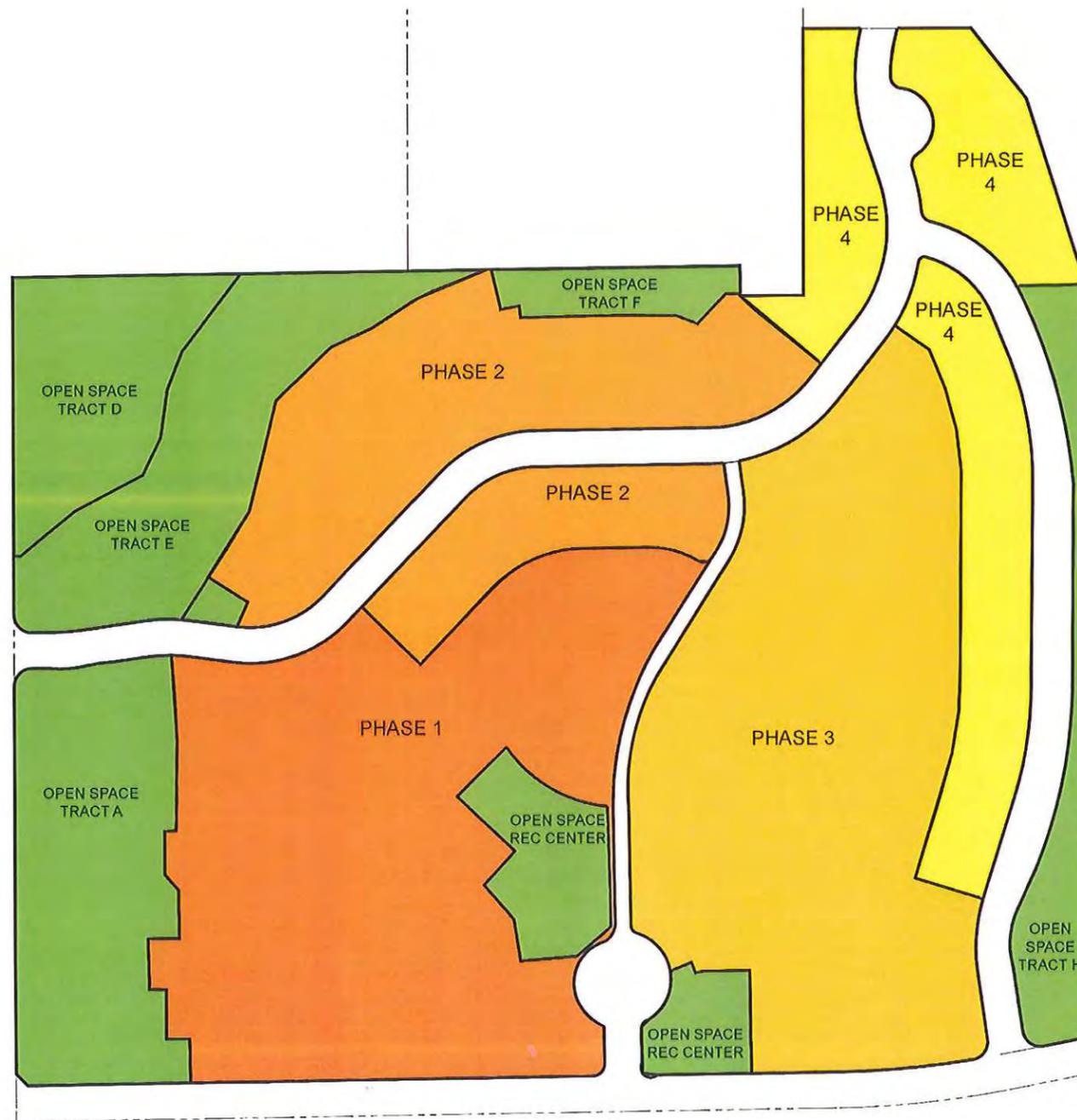
REAR ELEVATION

Multi-Family Clubhouse

Sheet  
6 of 6

Exhibit C

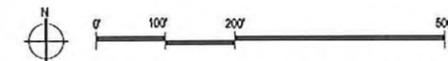
Scale: 1/8" = 1'-0"  
January 21, 2011



PHASING LEGEND	
PHASE 1 (MF II)	[Orange Box]
PHASE 2 (MF II)	[Light Orange Box]
PHASE 3 (MF III)	[Yellow Box]
PHASE 4 (SF)	[Light Yellow Box]
OPEN SPACE	[Green Box]

OPEN SPACE SUMMARY	
OPEN SPACE PARCEL	AREA (AC)
TRACT A	4.22
TRACT E	3.71
PHASE 1 / REC CENTER	1.25
TRACT F	0.71
PHASE 2 / REC CENTER & TR	1.25
TRACT H	1.71
TOTAL OPEN SPACE	12.85 ACRES
TOTAL SITE AREA	58.73 ACRES
OPEN SPACE %	21.9%
40% SFD / PHASE 4	ADD 2.46 (4%)

NOTE: OPEN SPACE AREAS CONSIST OF TRAILS, OPEN NATIVE AREA, POOL, RECREATION CENTER, TOT LOT AND MANICURED LEVEL TURF.

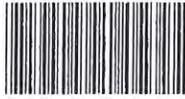


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# GREENWAY PARK | PHASING AND OPEN SPACE PLAN

P.U.D. AMENDMENT - CASPER, WYOMING | JANUARY 21, 2015 | EXHIBIT D

EXHIBIT  
 PUD Amendment  
 D



851621

NATRONA COUNTY CLERK, WYOMING  
Renea Vitto Recorded: TG  
Sep 10, 2008 03:13:24 PM  
Pages: 35 Fee: \$110.00  
CITY OF CASPER

GREENWAY PARK PUD (PLANNED UNIT DEVELOPMENT)  
SITE PLAN AGREEMENT

THIS AGREEMENT made and entered into this 2<sup>nd</sup> day of February, 2008, by and between the City of Casper, a Municipal Corporation, 200 North David Street, Casper, Wyoming, 82601, hereinafter designated as "City," and Haystack Properties, LLC, 290 Skyhill Drive, Golden, Colorado, 80401, hereinafter designated as "Owner."

WHEREAS, Owner has applied to annex, plat, and zone as PUD (Planned Unit Development), 61.23-acres, more or less, to create a mixed-housing development to be known as Greenway Park Addition; and

WHEREAS, pursuant to Sections 17.12.150 and 17.52 of the Casper Municipal Code, the Owners are required to submit a PUD Site Plan for approval by the Planning and Zoning Commission and the City Council; and,

WHEREAS, a copy of the PUD Site Plan, dated December 20, 2008 and titled "Greenway Park Preliminary Site Plan," is attached hereto as "City Exhibit A," and is incorporated herein at this point as if fully set forth;

WHEREAS, a copy of the PUD Narrative (Guidelines) dated, January 7, 2008 and titled "Greenway Park Planned Unit Development Narrative and Guidelines" is attached hereto as "City Exhibit B," and is incorporated herein at this point as if fully set forth;

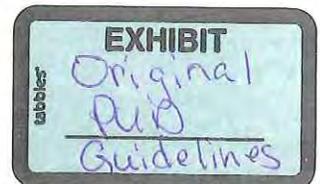
WHEREAS, a copy of the Greenway Park Planned Unit Development Site Plan Architectural Elevations, Sheets 1 through 3, are attached hereto as "City Exhibit C," and is incorporated herein at this point as if fully set forth;

WHEREAS, a copy of the Greenway Park Conceptual Phasing Plan, dated January 7, 2008, is attached hereto as "City Exhibit D," and is incorporated herein at this point as if fully set forth;

NOW, THEREFORE, the parties hereto agree as follows:

I. EXPLICIT CONDITIONS:

- A. The Owners shall pay their proportionate share of the actual cost of design, engineering, materials and installation of a traffic signal at the intersection of South Missouri and East 15<sup>th</sup> Street when directed by the City Council or the City Manager. According to the traffic study performed by SEH Inc, dated June 22, 2007 and revised on July 27, 2007, the Owner's estimated proportionate share is approximately Thirty-Six Percent (36%) based on traffic generation. The Owner



shall pay the City upon invoicing of the actual amount, and said invoice shall include appropriate engineering, design or construction estimates. The City agrees to cause the installation of said traffic signal prior to the issuance of the last certificate of occupancy for the development.

- B. The Owner shall reimburse the City for the entire cost of the traffic study completed by SEH Inc dated June 22, 2007 and revised on July 27, 2007.
- C. The Owner shall retain ownership of all open space tracts in the development, including the Sage Creek drainage tracts. The Homeowner's Association shall be responsible for all maintenance of said open space tracts. The Owner shall dedicate a public access easement to allow the public access to the trail system, which shall be constructed in accordance with the site plan (City Exhibit A). In addition, the developer shall not gate or otherwise restrict public access to the trails and will pay for the full cost of construction. The City will, upon acceptance of the constructed trail, maintain the trail as part of the City trail system.
- D. The Owner shall construct East 21<sup>st</sup> Street concurrent with Phase I. The Owner shall pay fifty percent (50%) of the actual cost of design, engineering, materials and construction of East 21<sup>st</sup> street, for the portion of the street that is adjacent to the Greenway Park Addition, plus all escalation of costs (if any) as further described in Section III (B) of this Agreement. East 21<sup>st</sup> Street shall be constructed according to City specifications as a collector street. The Owner's obligation includes, but is not limited to, the construction of paving, detached sidewalks, curb, gutter, public utility extensions and stormwater improvements.
- E. The Owner shall submit a final drainage study to the City Engineering Department for review and approval prior to the issuance of a permit to construct any phase of the subdivision.
- F. Prior to the development of Greenway Park, the Owner shall submit a sanitary sewer study for review and approval by the Public Utilities Manager.
- G. The Owner shall ensure that there are two or more points of vehicular access (streets) for the subdivision prior to the construction of any structures in the Greenway Park Addition.
- H. The Owner and Homeowner's Association shall be responsible for the maintenance of all landscaping and traffic islands located within the public right-of-way.
- I. The Owner shall install natural sound reduction measures along the southeast side of Canyonlands Parkway, utilizing vegetation approved or suggested by the City Arborist.
- J. A detailed site plan and landscaping plan shall be submitted to the Community Development Director for review and approval prior to the development of each phase.
- K. The Owner, at its option, may include a small retail food establishment, such as a grocery store or coffee shop, as a permitted use in the Greenway Park Addition,

located within the main clubhouse. Said retail component shall be limited to a maximum of 1,500 square feet in floor area.

- L. All structures located within the Greenway Park Addition shall be constructed in keeping with the architectural elevations and renderings approved by the Planning and Zoning Commission and City Council (City Exhibit C).
- M. Development of the Greenway Park PUD (Planned Unit Development) shall be governed by the PUD Narrative (City Exhibit B) approved by the Planning and Zoning Commission and City Council. Where the PUD Narrative (Guidelines) address a development standard or requirement that conflicts with the Casper Municipal Code, the PUD Narrative (Guidelines) shall take precedence. If the PUD Narrative (Guidelines) do not address a standard, or requirement, then the provisions of the Casper Municipal Code shall apply.

## II. OBLIGATIONS OF THE OWNERS:

Upon written demand of the Council or the City Manager, the Owner, at their sole cost and expense, shall do, or cause to be done, the following:

- A. The Owner shall landscape the property in keeping with the Landscape Plan approved by the Planning and Zoning Commission, and comply with the following landscaping requirements:
  - 1. Landscape and beautify the areas identified on the Landscape Plan.
  - 2. Plant material used for landscaping shall meet the criteria and specifications set forth in that certain manual entitled "Building Casper's Urban Forest."
  - 3. All planted areas on the property shall be maintained to the degree that they will not create a fire hazard or become unsightly to the development.
  - 4. Upon demand of the Council, the Owner shall replace and replant any required on-site plant material that dies, or is not in conformity with the approved landscaping plan. The requirement to replace plant material shall not be assigned to the owner of vacant property until such time as an active commercial or residential use is established on that property.
  - 5. Said on-site landscaping shall be completed before a Certificate of Occupancy will be issued. If said landscaping is delayed due to construction of on or off-site improvements, the Owner may request, in writing, an extension not exceeding six (6) months. If the request demonstrates that, as a result of conditions beyond the

control of the Owner, the landscaping cannot be completed, the Community Development Director is authorized to grant the Owners' request for an extension, which shall not exceed six (6) months. In the event the owner is granted an extension for compliance with landscaping construction, the issuance of a certificate of occupancy shall not be delayed pending the completion of the landscaping.

- B. The Owner shall comply with Section 12.20 of the Casper Municipal Code regarding erosion and sediment control. The Owner is required to post cash, an irrevocable letter of credit, performance bond, or other approved surety in the amount of ten cents (\$0.10) per square foot of area disturbed, with a minimum amount of Five Thousand Dollars (\$5,000.00). The amount of the surety will be based on the actual area of land disturbed and will determined when the Owner submits either an Erosion Control Plan or a building permit for the development. It shall be the obligation of the Owner to keep any bond or letter of credit in full force and effect for the entire duration of the project. As provided herein, the Owner shall furnish proof of the same upon demand of the City.
- C. If the Owner fails to implement the Erosion Control Program, as proposed and approved by the City Engineer, the Owner, by this agreement, hereby authorizes the City to use said bond for implementation and completion of the approved Erosion Control Program. In the event the City incurs costs in completing said program over and above the amount of the bond, cash deposit, or letter of credit, Owner agrees to pay City said costs upon demand by the City. The City shall release the security one year following the date of final completion of implementation of best management practices on the construction site, or as determined by the City Manager or his Designee.
- D. All signs on said site must be approved by the Community Development Director or her designee prior to installation.
- E. All street, alley, and parking surfaces shall be covered with concrete or asphalt concrete pavement materials in accordance with Chapter 16.16 of the Casper Municipal Code. The minimum pavement section shall be two inch (2") asphaltic concrete surface over two inches (2") asphaltic concrete binder course over six inches (6") of grading W base course. Alternative pavement designs may be substituted upon approval of the City Engineer. All designs shall be in accordance with Chapter 16.16 of the Casper Municipal Code.
- F. Any and all storm drainage sewer lines, trunk lines, lateral catch basins, manholes, and detention areas shall be designed and installed in

accordance with the Drainage Plan prepared by the Owner, and approved by the Community Development Director and City Engineer.

- G. Owner shall construct all trash enclosures according to City requirements as shown in the City Engineering Department handouts titled "Minimum Standards for Commercial Sanitation Container Facility" dated March 2002, or "Minimum Standards for Double Bin Commercial Sanitation Facilities." Alternately, upon approval by the City Sanitation Department, other designs may be accepted.

III. OBLIGATIONS OF THE CITY:

- A. The City shall issue a building permit pursuant to Title 15 of the Casper Municipal Code, under the terms of this agreement and upon performance by the Owner of the conditions set forth above. All building permits will be issued by the Community Development Director in accordance with Casper Municipal Code.
- B. East 21<sup>st</sup> Street shall be constructed according to City specifications, as a collector street. The City shall pay fifty percent (50%) of the actual or estimated cost of design, engineering, materials and construction, whichever is lower, of East 21<sup>st</sup> street, for the portion of the street that is adjacent to the Greenway Park Addition. The City shall not pay more than 50% of the estimated 2008 costs, as determined by a written estimate provided by a Wyoming Registered Engineer, and accepted by the City Engineer. Any escalation of costs from the delay of the construction of the street beyond 2008, or from actual costs that exceed the written estimate, shall be paid by the Owner. Construction shall be completed by the Owner concurrent with Phase I. The City will recapture its costs when the property south of East 21<sup>st</sup> Street develops in the future.

IV. REMEDIES:

In the event the Owner fails to do, or fails to cause to be done, any of the requirements set forth in this contract in an expeditious manner, the City may at its option, do any or all of the following:

- A. Refuse to issue a building permit or certificate of occupancy to the Owner, its successors, or assigns in interest.
- B. After written notice to Owner of those items which have not been completed or properly completed, and upon failure to cure the same by Owner within a reasonable period of time, the City may complete any and all of the public improvements required by this contract, by itself, or by contracting with a third party to do the same. In the event the City elects to complete said improvements or contracts with third party to do so, the

Owner agrees to pay any and all costs resulting therefrom upon demand by the City.

- C. The remedies provided in this section are in addition to any other remedies specifically provided for in this agreement, the property lease agreement, or which the City may otherwise have at law or in equity, and are not a limitation on the same. The Owner further agrees to pay all the City's reasonable attorney's fees, court costs, and litigation costs in the event the City is required to enforce the provisions of this agreement in a court of law. This document, its interpretation, and enforcement shall be governed by the laws of the State of Wyoming.

V. MISCELLANEOUS AGREEMENTS:

- A. Authority: All individuals executing this Agreement on behalf of their principals hereby state and certify that they have full authority to bind and obligate their principals to each and every term and provision of this Agreement.
- B. Successors and Assigns: This agreement shall be binding upon and shall inure to the benefits of all parties hereto, their successors, and assigns.
- C. Wyoming Governmental Claims Act: The City does not waive any right or rights it may have pursuant to the Wyoming Governmental Claims Act, Wyoming Statute Sections 1-39-101, et seq. The City specifically reserves the right to assert any and all immunities, rights and defenses it may have pursuant to the Wyoming Governmental Claims Act.
- D. Governing Law and Venue: Any litigation regarding this agreement shall be resolved in a court of competent jurisdiction situated in Natrona County, Wyoming.
- E. No Third Party Beneficiary Rights: The parties to this Agreement do not intend to create in any other individual or entity the status of third-party beneficiary, and this Agreement shall not be construed so as to create such status. The rights, duties and obligations contained in this Agreement shall operate only between the parties to this Agreement, and shall inure solely to the benefit of the parties to this Agreement. The provisions of this Agreement are intended only to assist the parties in determining and performing obligations under this Agreement. The parties to this Agreement intend and expressly agree that only parties signatory to this Agreement shall have any legal or equitable right to seek to enforce this Agreement, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this Agreement, or to bring an action for the breach of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first written above.

APPROVED AS TO FORM:

Walter E. Trembitz

CITY OF CASPER, WYOMING  
A Municipal Corporation

ATTEST:

V.H. McDonald  
V.H. McDonald  
Clerk

Paul C. Bertoglio  
Paul C. Bertoglio  
Mayor

WITNESSETH:

By: [Signature]

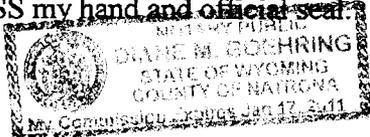
HAYSTACK PROPERTIES, LLC

John S. Neilson  
By: John S. Neilson  
Printed Name: John S. Neilson  
Title: MANAGER

ACKNOWLEDGEMENT

STATE OF WYOMING )  
 )ss.  
COUNTY OF NATRONA )

The foregoing instrument was acknowledged before me by Paul C. Bertoglio, as Mayor of the City of Casper, this 19<sup>th</sup> day of August, 200 P.

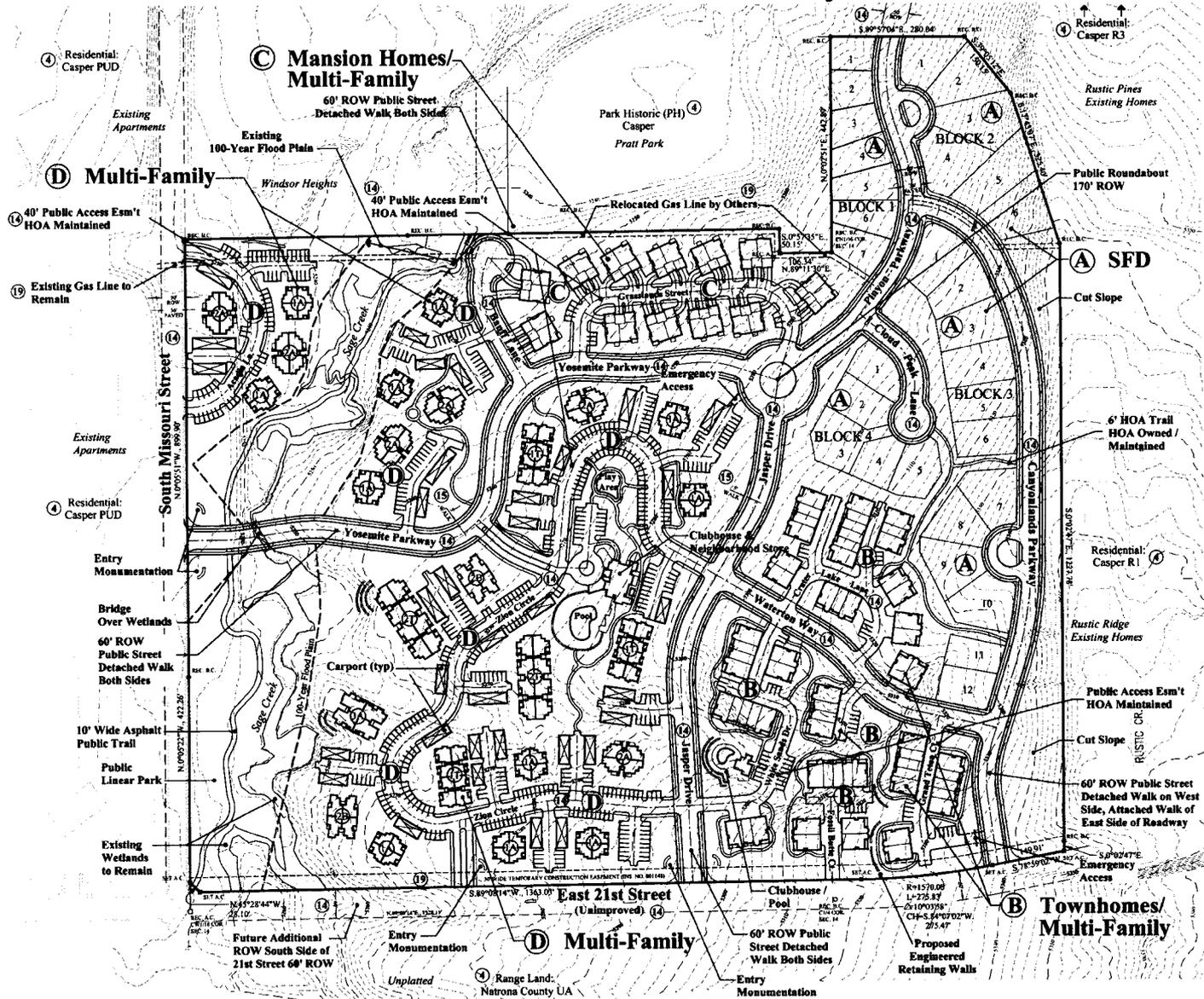
WITNESS my hand and official seal:  


Diane M. Goshring



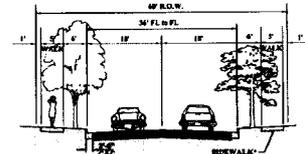
# Greenway Park

## Planned Unit Development Site Plan Preliminary Site Plan

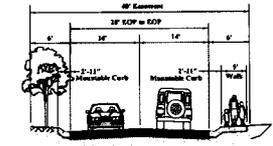


### Land Use Summary Table:

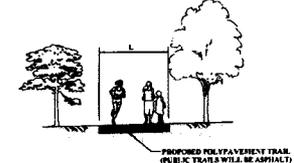
Total land area:	58.73 ac. +/-
⑧ Maximum Allowable Building Height:	45'-0"
<b>Proposed Building Height:</b>	
A. SFD:	35'-0" Max.
B. Townhomes / Multi-Family:	35'-0" Max.
C. Mansion Homes / Multi-Family:	35'-0" Max.
D. Multi-Family:	45'-0" Max.
<b>Total number of dwelling units:</b>	
A. SFD:	429 Units
B. Townhomes / Multi-Family:	38 Units
C. Mansion Homes / Multi-Family:	63 Units
D. Multi-Family:	36 Units
<b>Dwelling units per acre:</b>	7.3 +/- DU/ac.
<b>Parking:</b>	
A. SFD (2 car garages/2 on apron)	Ratio: 120 Spaces 4.0:1
B. Townhomes / Multi-Family (2 car garages / 50 surface spaces)	Ratio: 176 Spaces 2.8:1
C. Mansion Homes / Multi-Family (2 car garages / 2 on apron / 10 surface spaces)	Ratio: 154 Spaces 4.3:1
D. Multi-Family (398 surface parking / 206 covered spaces)	Ratio: 604 Spaces 2.0:1



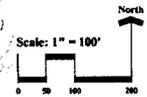
Public Residential Street - 60' R.O.W. (NTS)  
Parking allowed on both sides of roadway  
\* Place Parkway - Sidewalk on one side will be attached.



Public Access Easement - 40' Easement (NTS)  
HOA Owned & Maintained



Trail Sections (NTS)  
1'-4\"/>



August 24, 2007  
Rev. Dec. 20, 2008  
Job No. 06023

# CITY Exhibit A

CITY  
Exhibit B

# Greenway Park

*Planned Unit Development (PUD)  
Narrative and Guidelines*



*Casper, Wyoming  
August 24, 2007  
Rev. January 07, 2008*

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### Exhibits

- A. Legal Description
- B. Vicinity Map
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## *Greenway Park - Planned Unit Development Narrative & Guidelines*

### **I. Project Overview and Intent:**

Greenway Park is approximately 58.73 acres of land and is located within portions of the West ½, Northeast ¼ and portions of the Southeast ¼, Northwest ¼ and the Pratt Addition No. 6, Phase One, Section 14, Township 33 North., Range 79 West of the Sixth Principal Meridian, City of Casper, Natrona County, Wyoming. The focus of Greenway Park will be to provide the City of Casper with a variety of dwelling units. The mix of multi-family buildings, mansion homes, townhomes and single family detached units will provide the City of Casper with a vibrant residential area that is needed for the current marketplace.

The principles used to guide this planned community capable of responding to the current and changing market place are as follows:

- Provide a mix of residential unit types that will be able to respond to existing and future market conditions.
- Allow a variety of creative solutions and flexibility that can be utilized during final construction of the residential tracts.
- Work the infrastructure and building units to most effectively use the existing character or the land.
- Promote walkability throughout the site as well as connection to adjacent parcels.

## *Greenway Park - Planned Unit Development Narrative & Guidelines*

### **II. Authority and Definitions**

These standards will apply to all property contained within the Greenway Park development. These guidelines will become the governing standards for review, approval and modification of development activities on the Property. The subdivision and zoning ordinances and regulations for the City of Casper will apply where the provisions of this guide do not address a specific subject.

For the purposes of this PUD, the following terms shall have the meaning as set forth below:

**City** – The City of Casper, Wyoming.

**Code** – The City of Casper Municipal Code, latest revision.

**Commission** – The Planning and Zoning Commission for the City of Casper.

**Council** – The City Council for the City of Casper.

**Design Guidelines** – The design guidelines for the Property as adopted by the Developer and the City.

**Developer** – Haystack, LLC

**HOA** – Homeowner’s Association for the Property.

**MF** – Multi-Family units.

**Owner** – the owner of all or a portion of the Property.

**Parcel** – Any tract, parcel, lot or portion of the Property.

**Planning Department** – The Planning Department within the City of Casper’s Community Development Department.

**Property** – The real property located in Natrona County, Wyoming as described in Exhibit A attached hereto.

**PUD** – Refers to this document, which constitutes the Planned Unit Development for this Property.

**SFD** – Single Family Detached homes.

**Site** – Refers to the Property.

*Greenway Park - Planned Unit Development Narrative & Guidelines*

**III. Contact Information:**

**Applicant/Developer**  
Haystack, LLC.  
John Neilson  
290 Skyhill Drive  
Golden, Colorado 80401

**Land Planner**  
David A. Clinger & Assoc.  
David Clinger  
21759 Cabrini Blvd.  
Golden, CO 80401  
(303) 526-9126

**Engineer**  
WLC  
Jason Meyers  
200 Pronghorn  
Casper, Wyoming 82601  
(307) 266-2524

**IV. Site Analysis:**

Greenway Park is approximately 58.73 acres of land and is located within portions of the West ½, Northeast ¼ and portions of the Southeast ¼, Northwest ¼ and the Pratt Addition No. 6, Phase One, Section 14, Township 33 North., Range 79 West of the Sixth Principal Meridian, City of Casper, Natrona County, Wyoming. Greenway Park is bounded on the south by East 21<sup>st</sup> Street (unimproved) and unplatted land, on the east by single family residential subdivisions (Rustic Ridge and Rustic Pines), on the north by Pratt Park and Windsor Heights, and on the west by South Missouri Street and apartments.

The Project slopes from southeast to northwest and falls approximately 100 feet throughout the site. Sage Creek flows from south to north along South Missouri Street through the westerly portion of the site. The site is currently undeveloped and is covered with native grasses, sagebrush and yucca. There is existing wetland vegetation along Sage Creek.

Access to the Property will be off of South Missouri Street, the extension of Pinyon Parkway, and East 21<sup>st</sup> Street, when it is improved.

The existing zoning for the property is R3 and AG. The adjacent zoning to the Property is R1, R3, R4, AG and PH

**V. Planning Areas and Phasing:**

Greenway Park will be a vibrant residential community with a mix of residential unit types. The economic market, the location of the site, existing and proposed markets, financial viability, and consideration for existing development and natural features of the Project were used in considering the areas and residential unit types.

The area around Casper is in pressing need of newly constructed and attractive apartments. There are plenty of production homes available within the Casper area, but not many new apartment projects have been developed in Casper within the last 25 years. Along with current mortgage problems, it is harder and harder for the workforce to purchase SFD homes. Therefore, more and more singles, couples and even families will be looking for nice, new apartments for lease until the market is more viable for home ownership. Therefore, Greenway Park has provided approximately 21.3 acres of MF II – Multi-Family units. These units will be two and three story structures with either 8 or 24 units per building. There will be approximately 300 total multi-family units within parcels P1, P3 and P5, or 13.1 DU/Ac. (See Appendix C)

To provide a mix of MF unit types, Greenway Park has also provided parcels for Mansion Homes / Multi-Family (MF I) and Townhomes / Multi-Family (MF III). The Mansion Homes are 3-unit buildings that are designed to appear as a single, large residential home. It is planned that there will be approximately 36 Mansion Homes within parcel P8, or 9.7 DU/Ac. The Townhomes will have 2 to 6 units per building and will be a transition between the MF II – Multi-Family parcel and the SFD parcel. There will be approximately 63 Townhomes within parcels P6 and P7, or 7.3 DU/Ac. (See Appendix C)

To provide a transition from the higher density along the westerly portion of the site, SFD lots are located along the easterly portion of the site, next to the existing Rustic Ridge and Rustic Pines neighborhoods. These semi-custom homes will be located in the easterly parcels where there are greater slopes. To work with the existing topography and to provide an open space buffer from Rustic Ridge, the homes have been located on the west side of the proposed public roadways. The easterly walk along Pinyon Parkway and Canyonlands Parkway will be attached to help the Project with the slope up to the existing residences at Rustic Ridge. Due to the single loaded streets and existing slopes of the site, the proposed SFD will not impede the views of the existing residences to the east.

Greenway Park will provide three open space parcels. One will be located along the easterly portion of the project to allow for a cut slope to the proposed roadway as well as to provide a buffer from the existing residential units of Rustic Ridge. The remaining are along the Sage Creek drainage way. The Sage Creek drainage is an intermittent stream that flows from south to north along the westerly portion of the site. Greenway Park will keep this drainage in its natural state so that the existing wetlands will not be impacted and so that the stream will continue to serve as a visual enhancement to the site. The stream will also continue to be a natural water quality feature for the drainage to the existing detention pond north of Greenway Park. Greenway Park will provide a network of HOA owned and maintained trails throughout the site.

## ***Greenway Park - Planned Unit Development Narrative & Guidelines***

These trails will provide connectivity between the parcels, adjacent properties and the proposed Pratt Park to the north.

The Project will be phased based on market demand. It is planned that portions of the Multi-Family parcels and a few Mansion Homes will be developed first. The remaining Multi-Family, Mansion Homes, Townhomes, and Single-Family lots will be developed in future phases. Initial access through the site will be provided from South Missouri Street to the west and East 21<sup>st</sup> Street to the south. This will provide the initial phases with two points of access.

**VI. Planned Unit Development Guidelines:**

The land uses identified in the Planned Unit Development Plan is to provide a guide for the development of Greenway Park. The land use areas and boundaries, as depicted, are conceptual and subject to alteration through the approval of the City of Casper Community Development Department. Changes made to the PUD, if considered minor in nature, will be revised through an administrative process within the City's Community Development Department and will not be taken to the City's Planning and Zoning Commission or City Council public hearings.

Additional, detailed site plans, involving street layouts, easement locations, lot configuration, lot sizes, building envelopes, architectural features and landscape design may be required with the development of each individual parcels. These detailed plans will conform to the general guidelines established in this document but may be allowed to revise specific details with the approval of the City of Casper Community Development Department. As long as the detailed plans are in general conformance with the PUD document then the review and acceptance of the detailed plans will be done administratively within the City's Community Development Department.

Replatting will be required with the submittal of detailed site plans. The replatting will be done so that the final easement locations, building envelopes, lot lines and setback can be established at the time of final site work. This replatting will follow the review and approval guidelines established by the City of Casper Community Development Department and require approval of the Planning and Zoning Commission and the City Council.

A total of 20% open space will be provided for the entire site. This will include the open space parcel shown on the PUD Plan as well as internal open space within each of the residential parcels.

Model homes are allowed in all parcels. The City will not issue an occupancy permit for any model home structure until the utilities are installed.

Sales offices and signs are permitted in all parcels for the duration of the initial unit/lot sale of the community.

**a. Land Use Designations and Descriptions (See Exhibit C for area locations)**

**SFD**

The single family detached lots will be located along the easterly side of the Project in parcels P9, P10 and P11. These parcels total approximately 7.6 acres and will be developed into approximately 30 lots (3.9 DU/Ac.). These lots are located along the easterly portion to provide: 1) a transition from the existing residences to the east and the greater density to the west, 2) design walk-out lots and single load the streets to allow development on a slope, 3) provide semi-custom homes that will match with the proposed development as well as the existing homes to the east, 4) offer spectacular view to the south and southwest.

**MF I – Mansion Homes / Multi-Family**

The MF I - Mansion Homes parcel is located along the northerly portion of the Project, next to Pratt Park. This area is designated as parcel P8 on the PUD Plan and is approximately 3.7 acres and will be developed into approximately 36 units (9.7 DU/Ac.). This parcel will provide an additional MF unit design as well as act as a transition from the apartments to the SFD parcel. The Mansion Homes are 2 story, 3-unit buildings that are designed to appear as a single, large residential home.

**MF II – Multi-Family**

The MF II – Multi-Family parcel are located along the westerly portion of the Project in parcels P1, P3 and P5. These multi-family structures will be 2 and 3 story buildings with 8-units per building and 24-units per building. These building will be served by private, HOA maintained roadways and will have an extensive trail/walking system to provide connections throughout the site. The parcel area for MF III – Multi-Family is approximately 21.3 acres and will be developed into approximately 300 units (14.1 DU/Ac.).

**MF III – Townhomes / Multi-Family**

The MF III – Townhomes parcels are located in the middle of the site and will be a transition from SFD to MF II – Apartments. The parcels for MF-Townhomes are parcels P6 and P7, and are approximately 8.6 acres. These parcels will be developed into approximately 63 units (7.3 DU/Ac.). The Townhomes will be two story buildings and have 2 to 6 units per building.

**OS – Open Space**

Greenway Park will provide three open space parcels. One will be located along the easterly portion of the project to allow for a cut slope to the proposed roadway as well as to provide a buffer from the existing residential units of Rustic Ridge (parcel P12). The remaining two are along the Sage Creek drainage way (parcel P2 and P4). These parcels are approximately 8.6

## *Greenway Park - Planned Unit Development Narrative & Guidelines*

acres and account for approximately 14% of the site. Additional open space will be provided within each of the residential parcel so that a minimum of 20% open space is provided for Greenway Park.

The Sage Creek drainage is an intermittent stream that flows from south to north along the westerly portion of the site. Greenway Park will keep this drainage in its natural state so that the existing wetlands will not be impacted and so that the stream will continue to serve as a visual enhancement to the site. The stream will also continue to be a natural water quality feature for the drainage to the existing detention pond, north of Greenway Park. Greenway Park will provide a network of HOA owned and maintained trails throughout the site. These trails will provide connectivity between the parcels, adjacent properties and the proposed Pratt Park to the north. In addition, Greenway Park is currently planning on working with the City to provide a 10' wide, asphalt trail along Sage Creek, connecting East 21<sup>st</sup> Street with Pratt Park.

***Greenway Park - Planned Unit Development Narrative & Guidelines***

**b. Building Height, Setbacks and Minimum Lot Size**

**Objective:**

To provide a variety of acceptable building heights and setbacks related to the parcel designations and market demand.

**Design Guidelines:**

Factors in determining the building heights and setbacks may include the building type, architectural style, building configuration and building orientation, as well as, the building's relationship to adjacent uses, open space, pedestrian circulation and landscape treatment.

Variable front yard setbacks are encouraged to provide visual variety to the street scene.

Minimum lot widths, sizes, intensity, building heights and setbacks that are established by this Planned Unit Development supersede the City of Casper Municipal Code, where applicable.

Revisions or changes to the building heights, setback and lot sizes will be allowed with approval from the City of Casper Community Development Department.

Minimum Heights, Setbacks and Lot Sizes				
	SFD*	MF I	MF II	MF III
Parcels	P9, P10, P11	P8	P1, P3, P5	P6, P7
Min. Lot Area	5,850 SF	10,000 SF	10,000 SF	10,000 SF
Min. Lot Width	50'	100'	100'	100'
Min. Lot Depth	88.5'	100'	100'	100'
Front Setback	20'	15'	15'	15'
Rear Setback	10'	15'	15'	15'
Side Setback	5'	5'	5'	5'
Side Adjacent to Street	15'	15'	15'	15'
Building Height	35'	35'	35'	45'

\* Flag Lots will be allowed within the SFD parcels.

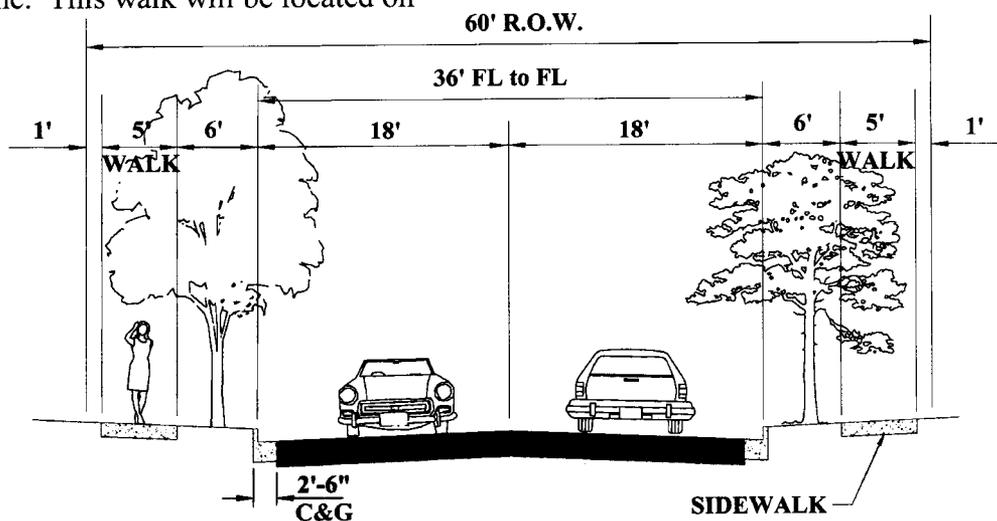
## Greenway Park - Planned Unit Development Narrative & Guidelines

### c. Street Standards

#### Public Residential Streets

All public roadways through this site will use this street section. These roadways include Yosemite Parkway, Banff Lane, Cloud Peak Lane, Jasper Drive, Waterton Way, Pinyon Parkway and Canyonlands Parkway. The Public Residential Streets shall be designed to the following guidelines:

1. 60' Right-of-Way (additional right-of-way may be required if an additional lane is needed for turning movements at intersections)
2. 32' pavement width. 36' flowline to flowline width.
3. Parking to be provided on both sides of roadway.
4. 6" vertical curb with 2' pan.
5. 6' landscape strip (both sides) from flowline to edge of walk.
6. 5' detached walk located 6' from flowline and 1' from right-of-way line. This walk will be located on
7. 125' minimum horizontal centerline radius.
8. 75' minimum tangent between reverse curves.
9. 25 MPH posted speed.
10. Revisions or changes to the Public Residential Street design will be allowed with approval from the City of Casper Community Development Department.



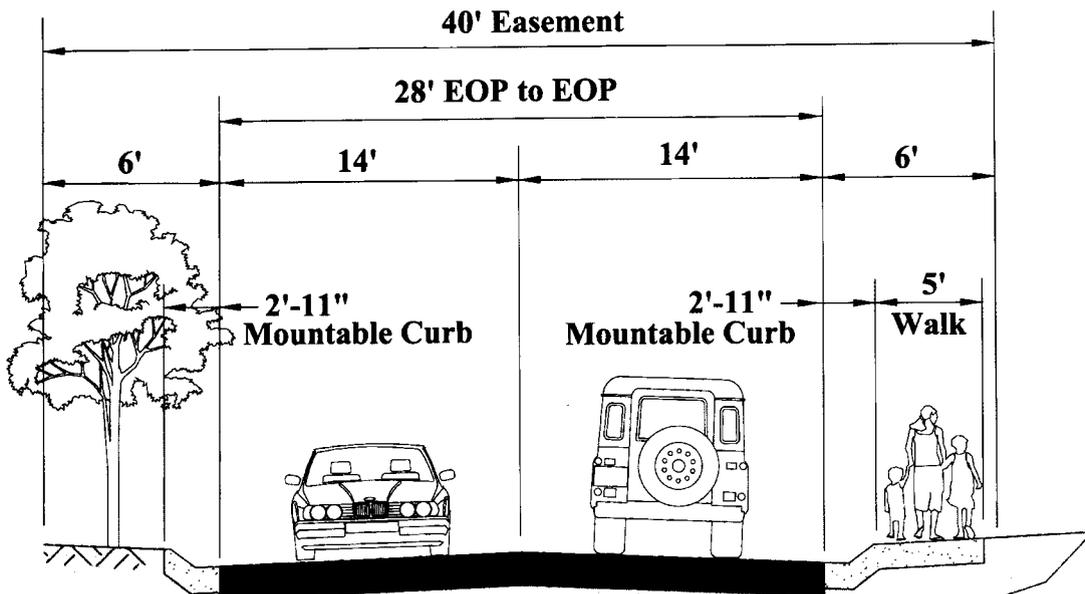
**Public Residential Street - 60' R.O.W. (NTS)**  
**Parking allowed on both sides of roadway**

## ***Greenway Park - Planned Unit Development Narrative & Guidelines***

### **Public Access Easements/Drives**

Public Access Easements/Drives are provided for access to all attached units and to the parking for the attached units. Parallel parking will not be allowed on these Public Access Easements/Drives. Parking will only be allowed in the perpendicular parking stalls, covered parking areas, driveway aprons and garages. All Public Access Easements/Drives will be owned and maintained by the Home Owners Association. Public Access Easement/Drive will follow the following guidelines:

1. 40' Right-of-Way or Easement (dedicated to the H.O.A.).
2. 28' pavement width.
3. 2'-11" mountable curb and gutter.
4. 5' attached walk (on one side only).
5. This cross-section will be adjusted when parking areas and garages are located along the right-of-way. These will come off the pavement at the edge-of-pavement line at a minimum.
6. 50' min centerline radius.
7. 15 MPH posted speed.
8. Revisions or changes to the Public Residential Street design will be allowed with approval from the City of Casper Community Development Department.



### **Private Access Easement - 40' Easement (NTS)** **HOA Owned & Maintained**

## *Greenway Park - Planned Unit Development Narrative & Guidelines*

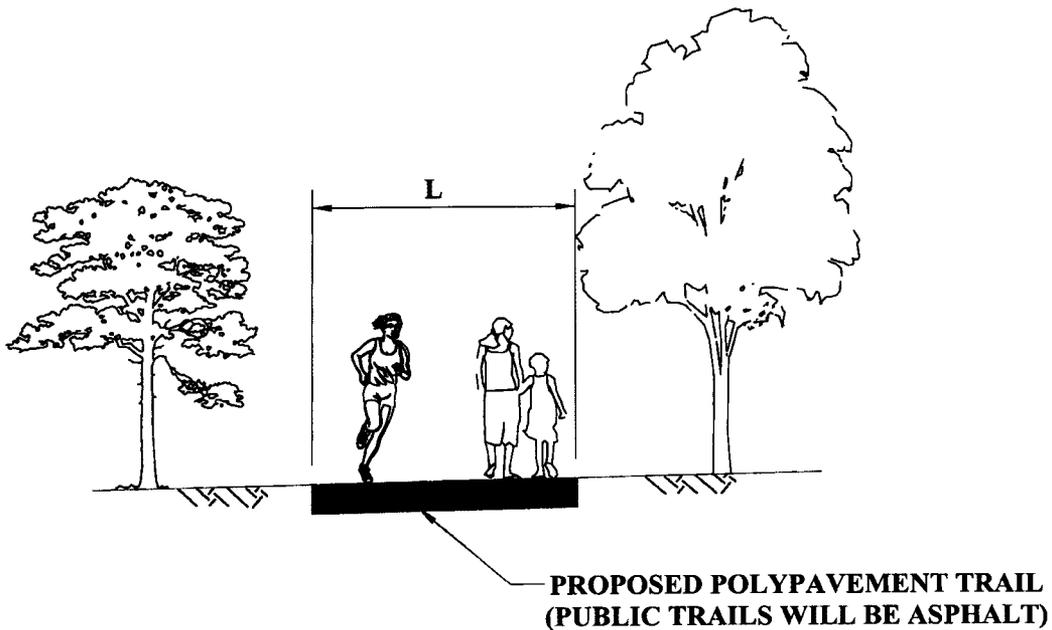
### **Trails**

Trails will be provided throughout the site to provide connection and walkability within the Project, as well as to adjacent parcels and Pratt Park to the north of the site. Trails will follow the following guidelines:

HOA maintained trails will be constructed of Polypavement or approved equal.

All Private trails within the Project will be 6' wide. These trails will be owned and maintained by the HOA.

All public trails used for emergency access or direct access to Pratt Park, along Sage Creek will be 10' wide. These trails will be constructed of asphalt and will be owned and maintained by the City of Casper.



### **Trail Sections (NTS)**

**L = 6' FOR PEDESTRIAN TRAILS - HOA OWNED  
& MAINTAINED**

**L = 10' FOR TRAILS NECESSARY TO PROVIDE  
EMERGENCY VEHICLE ACCESS / PUBLIC  
TRAIL TO PARK**

## *Greenway Park - Planned Unit Development Narrative & Guidelines*

### **d. Parking:**

#### **Objective:**

To provide adequate amount of parking to satisfy the proposed uses within this PUD.

#### **Design Guidelines:**

Provide parking in an attractive and unobtrusive manner through the use of parking placement, location next to buildings and landscaping features.

Each SFD unit will provide a minimum of two garage parking spaces along with two spaces within the driveway apron for a total of four off-street parking spaces per unit.

All public roadways will allow parallel parking on both side of the street.

MF I parcel will include four off-street parking spaces per unit. Two of these spaces will be in the garage and two spaces will be provided in the driveway apron.

MF II parcel will include 1.5 off-street parking spaces for 1 bedroom units, 2.5 off-street parking spaces for 2 bedroom units, and 2.5 off-street parking spaces for 3 bedroom units. These off-street parking spaces including both covered and non-covered parking.

MF III parcel will include 1.8 off-street parking spaces per unit. Two spaces will be in the garage and 0.8 space will be provided in driveway aprons and/or off-street parking spaces for residents and guests.

Minimum parking stall size will be 9'x20' with handicap spaces to be designed to conform to current ADA standards.

**e. Landscaping and Fencing:**

**Objective:**

Provide landscape features and fences that will visually enhance the project as a whole. These features will also provide transitions and buffers between adjacent parcels, streets and differing land uses.

**Development Guidelines:**

The use of landscaping will be provided to minimize the visual impact of parking areas.

Retain existing wetlands and vegetation along Sage Creek, when possible.

Provide xeriscape where practical in order to lessen water requirements for the landscaping.

Screening will be provided when buildings are adjacent to major streets and between differing land uses. Examples for screen include: shrubs, walls, trees, and berms.

## *Greenway Park - Planned Unit Development Narrative & Guidelines*

### **f. Lighting:**

#### **Objective:**

The purpose of the lighting design will be to provide lighting that is appropriate to the individual parcels but to be consistent with an overall community theme.

#### **Development Guidelines:**

All lighting will be consistent with the overall theme of Greenway Park. A coordinated lighting standard will be used throughout the Project.

Lighting fixtures will reflect the character, height and scale of the proposed development. The lighting will be used to provide safety and enhance landscape, building and architectural features.

Ground mounted illumination will be provided for the project signs and shall be from a concealed light source only.

## *Greenway Park - Planned Unit Development Narrative & Guidelines*

### **g. Signage and Monumentation:**

#### **Objective:**

To provide guidelines for signage and monumentation that will be consistent with the architectural features, landscape features and overall community at Greenway Park.

#### **Development Guidelines:**

Signs within Greenway Park boundary shall comply with the standards set forth in Title 17, Chapter 17.96 Signs of the City of Casper Municipal Code unless otherwise provide in this PUD Guideline document.

All materials used in signage, other than temporary signs and traffic signs, shall be durable and permanent in nature. These signs shall be constructed to require minimum maintenance and be resistant to weathering and staining.

Project signs that identify Greenway Park community may be provided at each of the project entrances. These monument signs will be designed within an overall landscape and monument design theme. The project signs will be ground mounted with a maximum text area of 100 square feet per face and a maximum of two faces per entry to the project. The text area will not exceed eight feet in height, as measured from finished grade. Ground mounted illumination will be provided for the project signs and shall be from a concealed light source only.

# **EXHIBITS**

# Greenway Park

## Planned Unit Development

### Exhibit A OWNER

#### Legal Description:

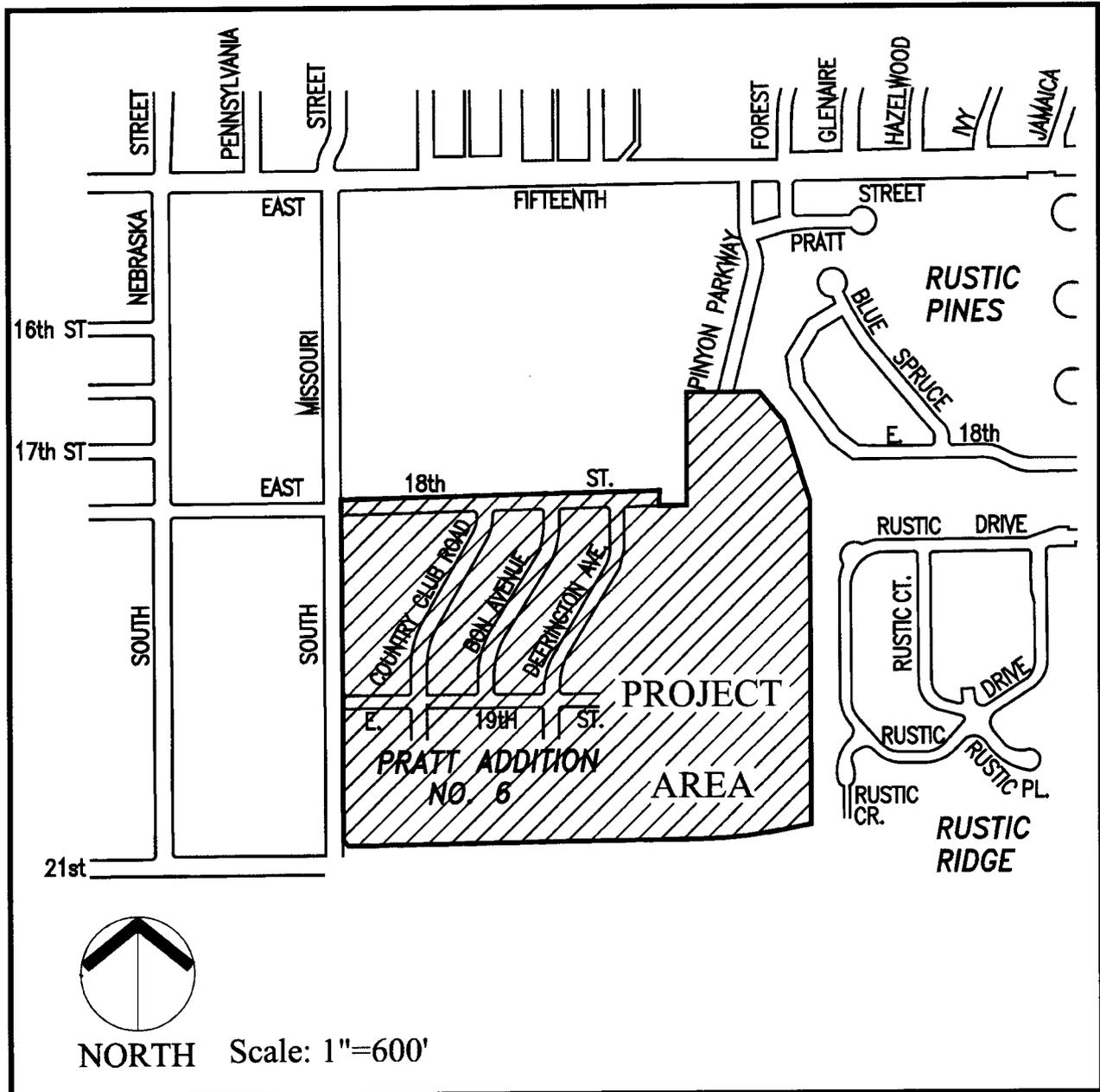
A TRACT OF LAND BEING A PORTION OF THE N1/2 OF SECTION 14, TOWNSHIP 33 NORTH, RANGE 79 WEST OF THE 6TH P.M., AND ALL OF BLOCKS 1, 2, 3, 4, 5, 6 AND 7, "PRATT ADDITION NO. 6" (PHASE ONE) TO THE CITY OF CASPER, NATRONA COUNTY, WYOMING BEING DESCRIBED AS FOLLOWS:  
COMMENCING AT A FOUND BRASS CAP MARKING THE C-N 1/16 CORNER OF SAID SECTION 14, BEING THE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION; THENCE N.0°02'51"E., (N.00°36'13"W., RECORD) ALONG THE NORTH-SOUTH CENTER LINE OF SAID SECTION 14, 442.89 (442.02, RECORD) FEET TO A BRASS CAP AT A POINT WHICH LIES ON THE SOUTH LINE OF RUSTIC PINES ADDITION; THENCE S.89°57'04"E., (N.89°22'41"E., RECORD) ALONG THE SOUTH BOUNDARY LINE OF SAID RUSTIC PINES ADDITION, 280.04 (280.09, RECORD) FEET TO A BRASS CAP RECOVERED THIS SURVEY AT AN ANGLE POINT IN THE SOUTHERLY BOUNDARY OF SAID RUSTIC PINES ADDITION; THENCE S.39°05'12"E., (S.39°47'04"E., RECORD) CONTINUING ALONG THE SOUTHERLY BOUNDARY LINE OF SAID RUSTIC PINES ADDITION, 150.15 (149.94, RECORD) FEET TO A BRASS CAP RECOVERED THIS SURVEY AT AN ANGLE POINT IN THE SOUTHERLY BOUNDARY OF SAID RUSTIC PINES ADDITION; THENCE S.17°43'07"E., (S.18°23'50"E., RECORD) CONTINUING ALONG THE SOUTHWESTERLY BOUNDARY LINE OF SAID RUSTIC PINES ADDITION, 325.40 (325.53, RECORD) FEET TO A FOUND BRASS CAP AT THE NORTHWEST CORNER OF RUSTIC RIDGE ADDITION TO THE CITY OF CASPER; THENCE S.0°02'47"E., (S.00°43'26"E., RECORD) ALONG THE WEST LINE OF SAID RUSTIC RIDGE, 1227.78 (1227.45, RECORD) FEET TO A FOUND BRASS CAP AT THE SOUTHWEST CORNER OF SAID RUSTIC RIDGE; THENCE S.0°02'47"E., (S.00°43'26"E., RECORD) ALONG THE WEST LINE OF SAID RUSTIC RIDGE AS EXTENDED SOUTH, 21.23 FEET TO AN ALUMINUM CAP SET THIS SURVEY AT THE SOUTHEAST CORNER OF THE TRACT OF LAND BEING DESCRIBED HEREIN, SAID POINT BEING LOCATED ON THE NORTH LINE OF A 60.00 FOOT WIDE RIGHT-OF-WAY FOR THE FUTURE EXTENSION OF EAST 21ST STREET; THENCE S.78°59'02"W., (S.78°18'23"W., RECORD) ALONG THE SOUTH LINE OF THIS TRACT OF LAND AND THE NORTH LINE OF SAID 60.00 FOOT RIGHT-OF-WAY, 149.91 FEET TO AN ALUMINUM CAP SET THIS SURVEY AT A POINT OF CURVATURE; THENCE SOUTHWESTERLY, ALONG THE SOUTH LINE OF THIS TRACT OF LAND, THE NORTH LINE OF SAID 60.00 FOOT RIGHT-OF-WAY, AND ALONG THE ARC OF A TRUE CURVE TO THE RIGHT HAVING A RADIUS OF 1570.00 FEET, THROUGH A CENTRAL ANGLE OF 10°03'58" (10°02'58" RECORD) AND AN ARC LENGTH OF 275.83 (275.37, RECORD) FEET, SAID CURVE HAVING A CHORD BEARING AND A DISTANCE OF S.84°07'02"W. (S.83°25'56"W., RECORD) AND 275.47 (275.02, RECORD) FEET, TO AN ALUMINUM CAP SET THIS SURVEY AT A POINT OF TANGENCY; THENCE S.89°08'14"W., (S.88°27'25"., RECORD) CONTINUING ALONG THE SOUTH LINE OF THIS TRACT OF LAND AND THE NORTH LINE OF SAID 60.00 FOOT RIGHT-OF-WAY, 1363.03 FEET TO AN ALUMINUM CAP SET THIS SURVEY AT AN ANGLE POINT IN THIS LEGAL DESCRIPTION; THENCE N.45°28'44"W., (N.46°09'33"W., RECORD) CONTINUING ALONG THE SOUTH LINE OF THIS TRACT OF LAND AND THE NORTH LINE OF SAID 60.00 FOOT RIGHT-OF-WAY, 28.10 FEET TO AN ALUMINUM CAP SET THIS SURVEY AT AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH MISSOURI STREET; THENCE N.0°05'22"W., (N.00°46'32"W., RECORD) ALONG THE EAST LINE OF PRATT ADDITION NO. 4 AND ALONG THE WESTERLY LINE OF THIS TRACT OF LAND, 422.26 (422.22, RECORD) FEET TO A FOUND BRASS CAP AT THE SOUTHWEST CORNER OF PRATT ADDITION NO. 6, (PHASE ONE); THENCE N.0°05'51"W., ALONG THE WEST LINE OF SAID PRATT ADDITION NO. 6 (PHASE ONE) AND THE EASTERLY LINE OF 50 FOOT WIDE SOUTH MISSOURI STREET, 899.90 FEET TO A FOUND BRASS CAP AT THE NORTHWEST CORNER OF SAID PRATT ADDITION NO. 6 (PHASE ONE) AND THE SOUTHWEST CORNER OF WINDSOR HEIGHTS ADDITION TO THE CITY OF CASPER; THENCE N.89°12'07"E., ALONG THE NORTHERLY LINE OF SAID PRATT ADDITION NO. 6 AND THE SOUTH LINE OF SAID WINDSOR HEIGHTS ADDITION AND SOUTH LINE OF PRATT PARK, 1224.10 FEET TO A FOUND BRASS CAP AT THE NORTHEASTERLY CORNER OF PRATT ADDITION NO. 6, (PHASE ONE); THENCE S.0°57'35"E., ALONG THE EASTERLY LINE OF SAID PRATT ADDITION NO. 6 (PHASE ONE) AND SAID PRATT PARK 50.15 FEET TO AN ALUMINUM CAP RECOVERED THIS SURVEY AT THE INTERSECTION BETWEEN THE EASTERLY BOUNDARY LINE OF PRATT ADDITION NO. 6 (PHASE ONE) NORTH LINE OF THE SE1/4NW1/4 OF SECTION 14; THENCE N.89°11'30"E., (N.88°32'00"E., RECORD) ALONG THE NORTH LINE OF SAID SE1/4NW1/4 OF SAID SECTION 14, 106.34 (106.43, RECORD) FEET TO THE POINT OF BEGINNING AND CONTAINING 58.73 ACRES, MORE OR LESS.

# Greenway Park

## Planned Unit Development

### Exhibit B

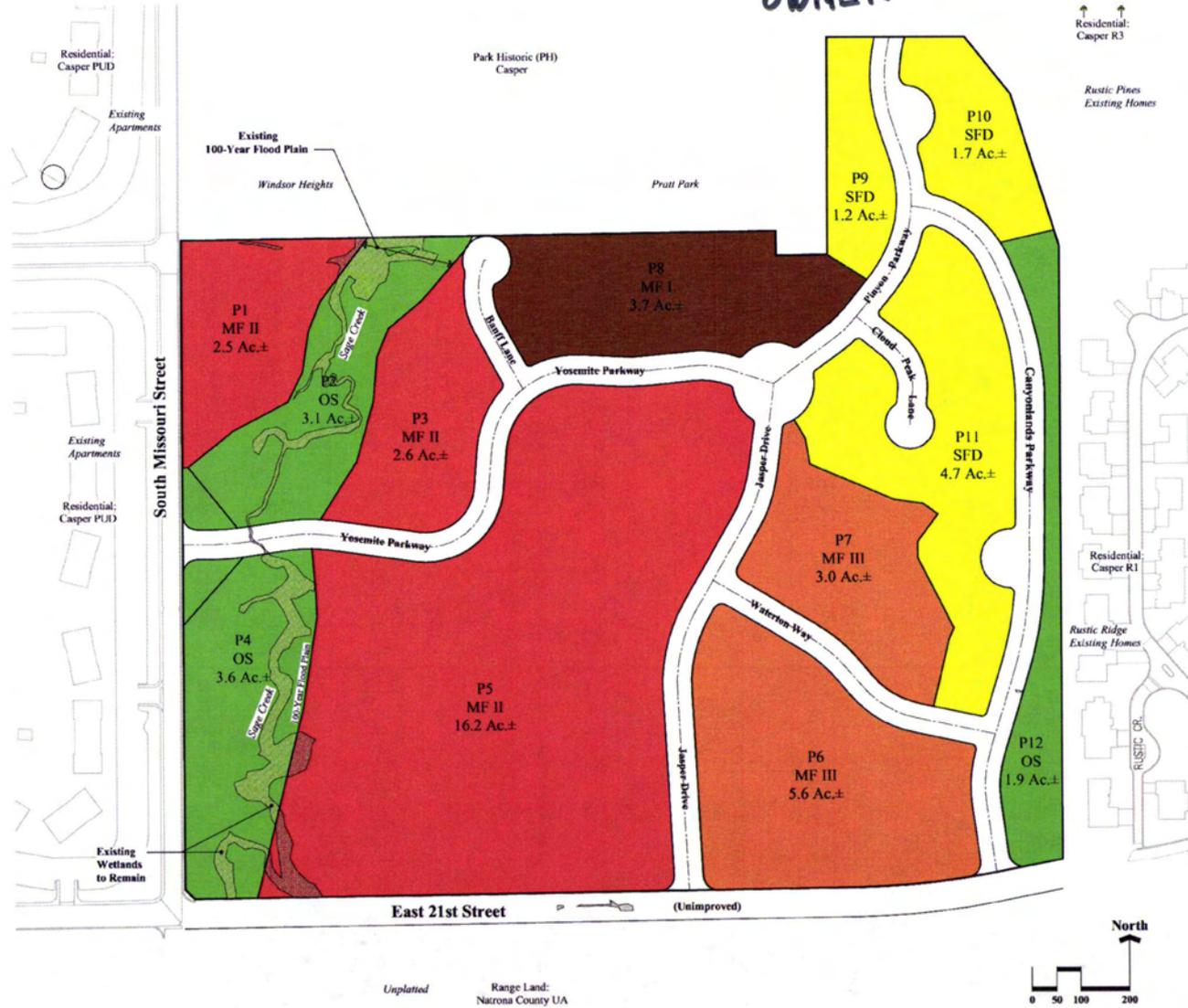
### OWNER



Vicinity Map

# Greenway Park Planned Unit Development

## Exhibit C OWNER



### Land Use Summary Table:

SFD	7.6 Ac.	(12.9%)
MF I	3.7 Ac.	(6.3%)
MF II	21.3 Ac.	(36.3%)
MF III	8.6 Ac.	(14.6%)
OS Tracts*	8.6 Ac.	(14.6%)
ROW Dedication	8.9 Ac.	(15.1%)
<b>Total:</b>	<b>58.75 Ac.</b>	<b>(100.0%)</b>

### Legend

- OS - Open Space\*
- SFD - Single Family Detached Lots
- MF I - Mansion Homes / Multi-Family
- MF II - Multi-Family
- MF III - Townhomes / Multi-Family

\*A minimum of 20% open space will be provided for the entire site.

Note: Areas & Parcel Boundaries are conceptual only and can vary at the time of Final Site Plan Submittal for each Parcel.

**Owner:**  
Haystack, L.L.C.  
290 Skyhill Drive  
Golden, CO 80401  
303.526.5474

**Engineer:**  
WLC  
200 Froggshorn Street  
Casper, WY 82717  
307.266.2524

**Land Planner:**  
David A. Clinger & Assoc. Ltd.  
"State of the Art" Land Planning  
Development Consultants  
21759 Cabrinl Boulevard  
Golden, Colorado 80401  
(303) 526-9126  
www.dclinger.com

August 24, 2007  
Rev. Jan. 07, 2008  
Job No. 06023

# Greenway Park

## Planned Unit Development Site Plan

### Architectural Elevations



LEFT ELEVATION



REAR ELEVATION



FRONT ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

24 MANSION HOMES



FRONT ELEVATION



FRONT ELEVATION



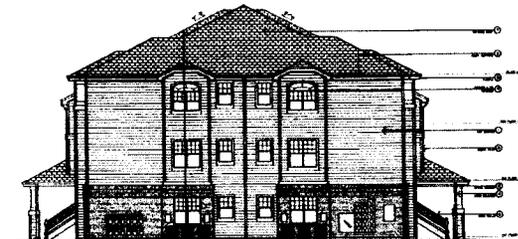
SIDE ELEVATION

24 TOWNHOMES



SIDE ELEVATION

8-UNIT MULTI-FAMILY (2A)



SIDE ELEVATION

24-UNIT MULTI-FAMILY (1T)

Scale: 1"=10'  
August 24, 2007  
Rev. Jan. 07, 2008  
Job No. 06023

Sheet  
1 of 3

**Exhibit C**  
CITY

# Greenway Park

## Planned Unit Development Site Plan

### Architectural Elevations



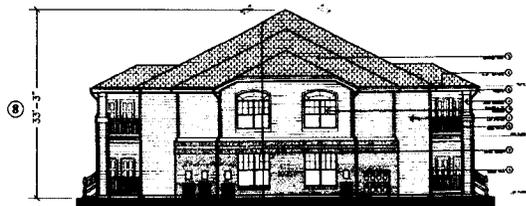
FRONT ELEVATION



SIDE ELEVATION  
② 24-UNIT MULTI-FAMILY (2T)



FRONT ELEVATION



SIDE ELEVATION  
② 8-UNIT MULTI-FAMILY (2B)



FRONT ELEVATION



SIDE ELEVATION  
② 8-UNIT MULTI-FAMILY (3A)



FRONT ELEVATION



SIDE ELEVATION  
② 8-UNIT MULTI-FAMILY (1A)

Scale: 1"=10'  
August 24, 2007  
Rev. Jan. 07, 2008  
Job No. 06023

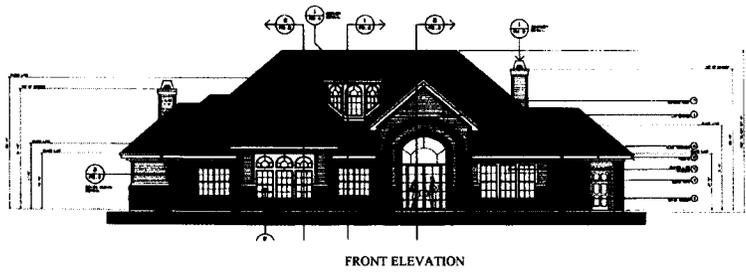
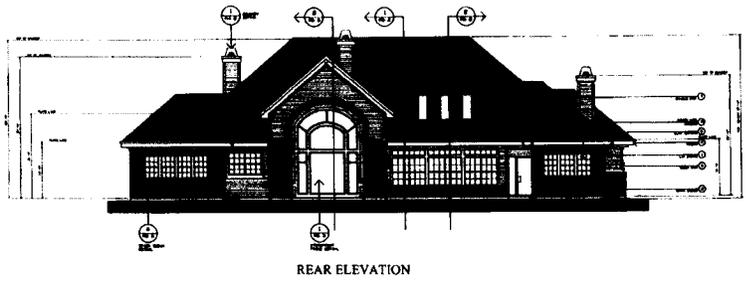
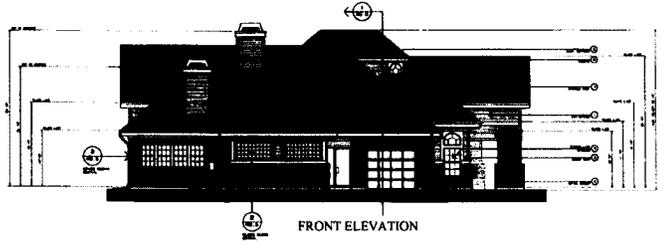
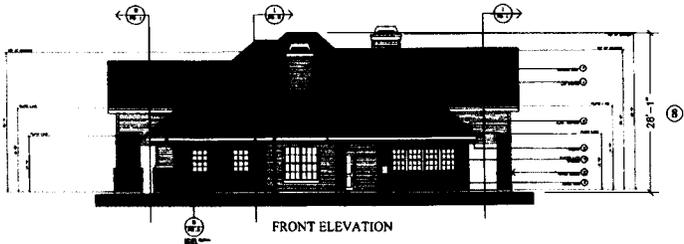
Sheet  
2 of 3

**Exhibit C**  
**CITY**

# Greenway Park

## Planned Unit Development Site Plan

### Architectural Elevations



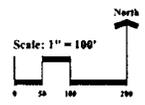
④ MULTI-FAMILY CLUBHOUSE

Scale: 1"=10'  
 August 24, 2007  
 Rev. Jan. 07, 2008  
 Job No. 06023

Sheet  
**3 of 3**  
**Exhibit C**  
**CITY**

# Greenway Park

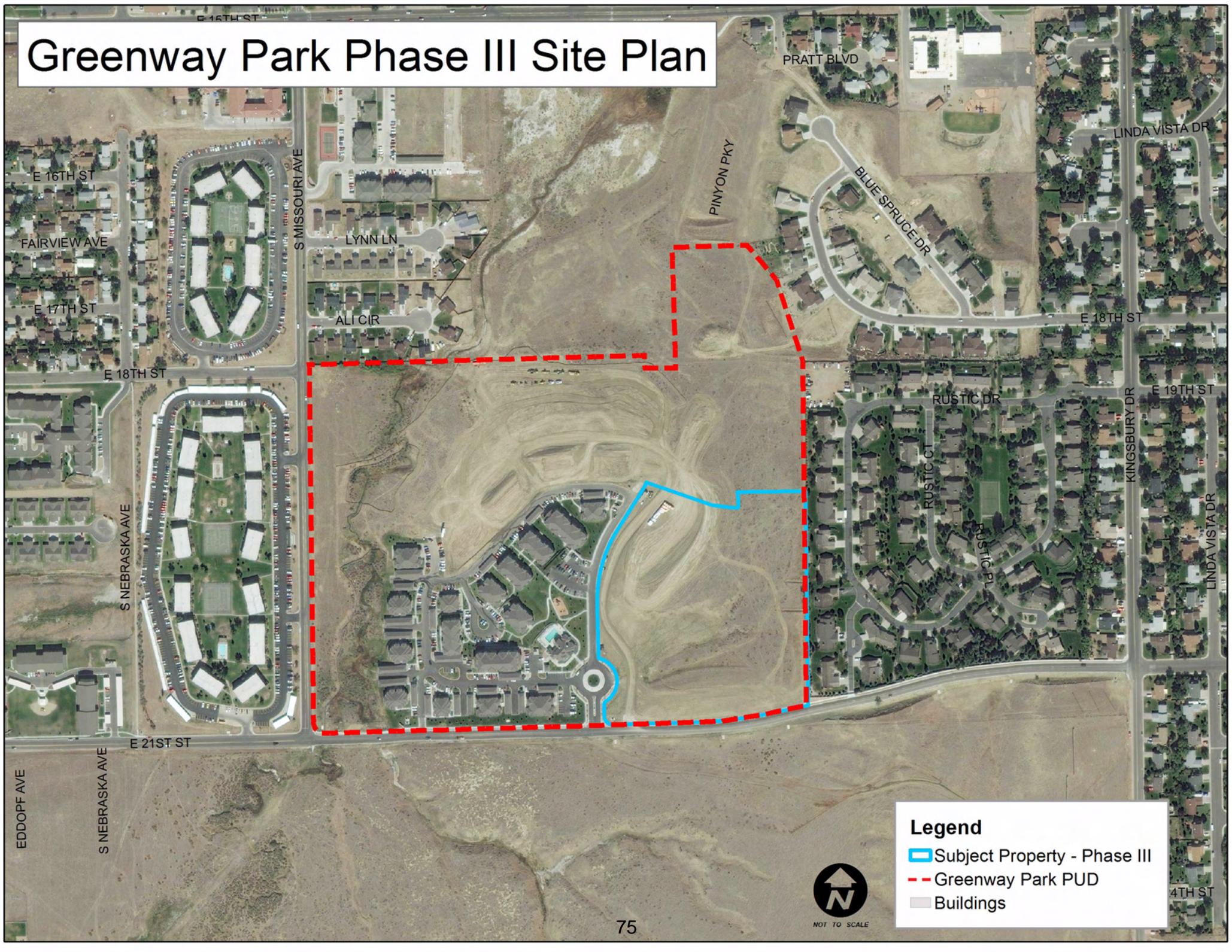
## Planned Unit Development Site Plan Conceptual Phasing Plan



August 24, 2007  
Rev. Jan. 07, 2008  
Job No. 06023

CITY  
Exhibit D

# Greenway Park Phase III Site Plan



**Legend**

-  Subject Property - Phase III
-  Greenway Park PUD
-  Buildings



# Greenway Park Phase III Site Plan



**Legend**

- Subject Property - Phase III
- Greenway Park PUD
- 500' Notification Zone
- Buildings
- Educational District(ED)
- Park Historic(PH)
- Planned Unit Development(PUD)
- Residential Estate(R1)
- One Unit Residential(R2)
- One to Four Unit Residential(R3)
- High-Density Residential(R4)

Surrounding Land Uses:  
 Multi-family Residential  
 Single-family Residential



NOT TO SCALE

# THE ENCLAVE AT GREENWAY PARK

## BERLAND DEVELOPMENT GROUP

### NORTHEAST CORNER OF 21ST & JASPER DRIVE

### CASPER, WYOMING

## PLANNING DOCUMENTS

#### PROJECT CONTACTS

**OWNER**  
 GREENWAY PARK II, LLC  
 1334 E. CENTER, TOWER RD.  
 ENGLEWOOD, CO 80112  
 TEL: (303) 771-1981  
 CONTACT: DONALD BERLAND  
 EMAIL: Dberland@berland.co

**APPLICANT/DEVELOPER**  
 GREENWAY PARK II, LLC  
 1334 E. CENTER, TOWER RD.  
 ENGLEWOOD, CO 80112  
 TEL: (303) 771-1981  
 CONTACT: DONALD BERLAND  
 EMAIL: Dberland@berland.co

**ENGINEER/CONSULTANT**  
 GALLOWAY & COMPANY, INC.  
 6142 WILSON DRIVE, SUITE 200  
 GREENWOOD VILLAGE, CO 80111  
 TEL: (303) 770-8004  
 FAX: (303) 770-3636  
 CONTACT: RANDY SMITH  
 EMAIL: Randy.Smith@gallowayus.com

**ARCHITECT**  
 ELEVATION DESIGN GROUP  
 813 BELLAIR AVE. #204  
 LONGMONT, CO 80501  
 TEL: 303-402-5513  
 FAX: 303-731-8977  
 CONTACT: Jeffrey Van Sumbere, Architect  
 EMAIL: jv@elevationdesign.com

**LANDSCAPE ARCHITECT**  
 GALLOWAY & COMPANY, INC.  
 5200 5TH AVENUE, SUITE 100  
 GREENWOOD VILLAGE, COLORADO 80111  
 TEL: (303) 770-8004  
 FAX: (303) 770-3636  
 CONTACT: TIM NELSON  
 EMAIL: Tim.Nelson@gallowayus.com



OVERALL SITE MAP  
 SCALE: 1"=100'



VICINITY MAP  
 SCALE: 1"=600'

SHEET No.	DESCRIPTION	REV/DATE
1 OF 5	COVER	
2 OF 5	SITE PLAN	
3 OF 5	GRADING PLAN	
4 OF 5	UTILITY PLAN	
5 OF 5	LANDSCAPE PLAN	

#### SITE SUMMARY

TOTAL LAND AREA		532,288 SQ. FT.
TYPE D BUILDING FOOTPRINT AREA	11 BLDGS @ 7,982 SF	87,802 SF
TYPE E BUILDING FOOTPRINT AREA	2 BLDGS @ 8,587 SF	17,174 SF
CLUBHOUSE BUILDING FOOTPRINT AREA	1 BLDG @ 2,530 SF	2,530 SF
TOTAL BUILDING FOOTPRINT		107,506 SF
PERCENT BUILDING AREA		20%
BUILDING HEIGHTS (TYPE D & E)		35'-0"
#STORIES/UNITS (TYPE D)	2 STORIES	10 PER BLDG (11 BLDGS)
#STORIES/UNITS (TYPE E)	2 STORIES	12 PER BLDG (2 BLDGS)
TOTAL UNITS		134 UNITS
LANDSCAPE AREA		265,060 SF
LANDSCAPE PERCENTAGE		50%
TOTAL DISTURBED AREA		76,649,472

#### PHASE III - PARKING SUMMARY

CASPER CITY CODE	P.U.D. MF III	DWELLING UNITS	PARKING PROVIDED	
1.21 SPACES / D.U. (17,32,000 OFF STREET PARKING REQUIREMENTS) 162 SPACES REQUIRED	1.8 SPACES / D.U. (DCC V.L. 4 - PARKING THROUGH COURSEWAYS) 243 SPACES REQUIRED	134	COVERED SPACES	150 GARAGE STALLS
REQUIREMENT SATISFIED			267 SPACES PROVIDED	117 STALLS
ADDITIONAL PARKING PROVIDED			21 SPACES - JASPER DR.	

TOTAL PARKING PROVIDED, EXCEEDS PUD TOTAL PARKING REQUIREMENTS. (DATED FEBRUARY 2, 2008)

#### NOTES:

1. ALL EXTERIOR LIGHTING WILL CONSIST OF ONLY FULL-CUT-OFF FIXTURES.

NO.	REVISION	DATE

**Galloway**  
 Planning, Architecture, Engineering  
 6142 S. Wilson Drive, Suite 200  
 Greenwood Village, CO 80111  
 303.770.8004  
 303.770.3636 F  
 www.gallowayus.com

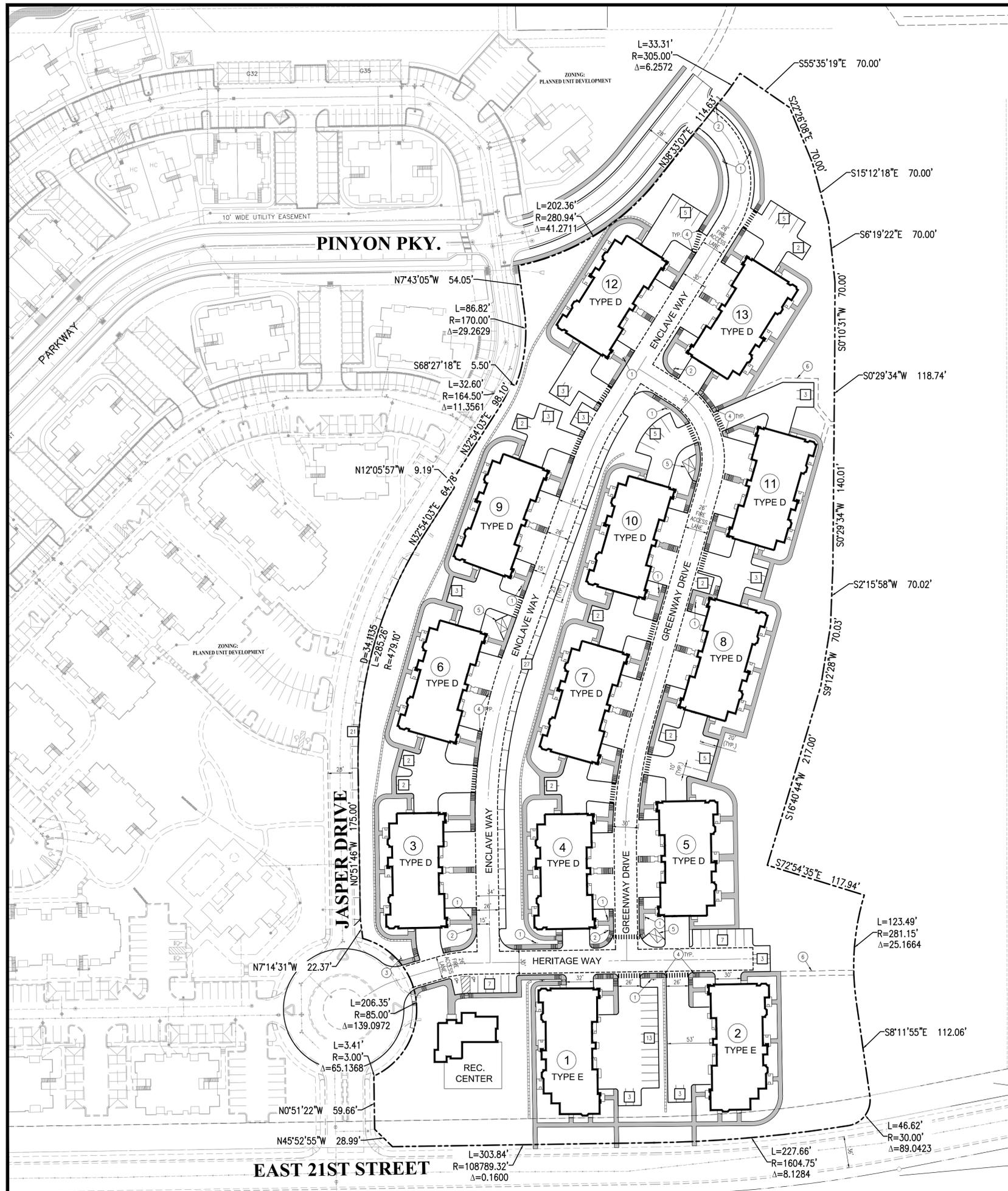
THE ENCLAVE AT  
 GREENWAY PARK  
 SITE PLANNING DOCUMENTS  
 BERLAND DEVELOPMENT GROUP  
 NEC of 21ST & JASPER DRIVE  
 CASPER, WYOMING

Project No: B0600002.D1  
 Sheet No: NTS  
 Designed By: NTS  
 Drawn By: NTS  
 Date: NOVEMBER 2014  
 Disk File: B0602\_P-Cover.dwg

COVER

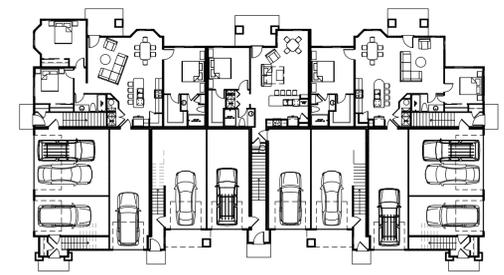
1 OF 5

EXHIBIT  
 Detailed Site plan  
 Phase III

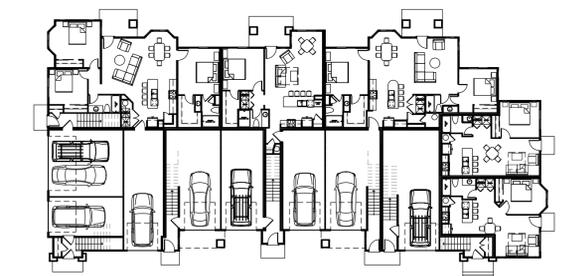


**SITE LEGEND**

	PROPERTY BOUNDARY LINE
	ADJACENT PROPERTY BOUNDARY LINE
	SECTION LINE
	EASEMENT BOUNDARY LINE
	TRAFFIC DIRECTION
	PARKING COUNT
	EXISTING FIRE HYDRANT
	PROPOSED FIRE HYDRANT
	EXISTING MANHOLE COVER
	PROPOSED MANHOLE COVER
	UTILITY PEDESTAL
	EXISTING INLET
	PROPOSED INLET
	EXISTING FENCE TO REMAIN
	EXISTING TO REMAIN
	PROPOSED NEW
	BUILDING NUMBER



**BUILDING TYPE D:**  
 10 TOTAL  
 2 STORY  
 10 UNITS EACH  
 12 GARAGE STALLS / BUILDING



**BUILDING E:**  
 3 TOTAL  
 2 STORY  
 12 UNITS EACH  
 9 GARAGE STALLS / BUILDING

- SITE SCHEDULE**
- ① - "NO PARKING - FIRE LANE" SIGNAGE PER 2009 M.U.T.C.D.
  - ② - "STOP" SIGNAGE PER 2009 M.U.T.C.D.
  - ③ - "YIELD" SIGNAGE PER 2009 M.U.T.C.D.
  - ④ - A.D.A. SIDEWALK RAMP
  - ⑤ - TRASH ENCLOSURE
  - ⑥ - FUTURE TRAIL CONNECTION

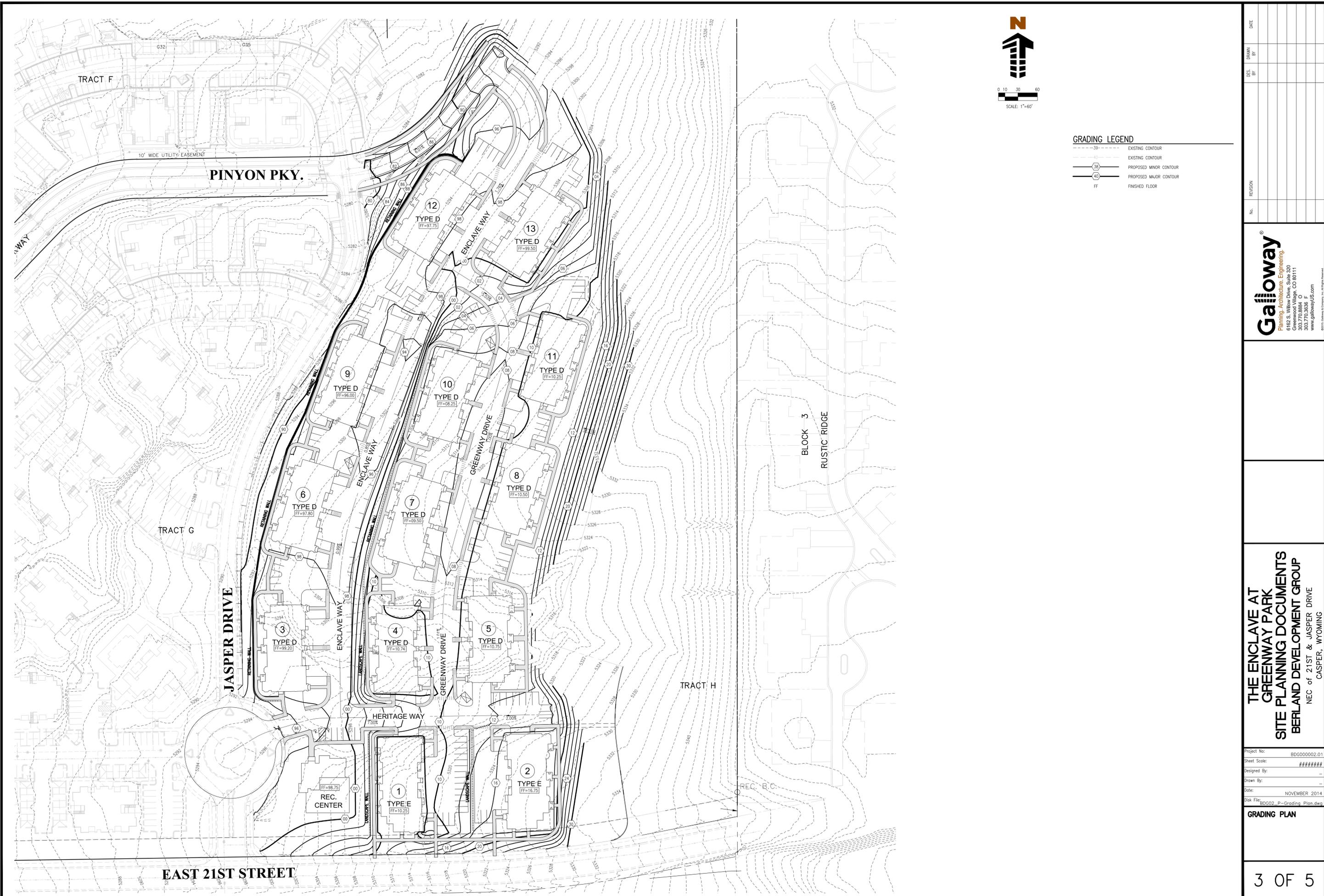
DATE	
DESIGNED BY	
DRAWN BY	
REVISION	
No.	

**Galloway**  
 Planning, Architecture, Engineering  
 6162 S. Willow Drive, Suite 320  
 Greenwood Village, CO 80111  
 303.770.8834 F  
 303.770.3636 F  
 www.gallowayus.com

**THE ENCLAVE AT GREENWAY PARK**  
**SITE PLANNING DOCUMENTS**  
**BERLAND DEVELOPMENT GROUP**  
 NEC of 21ST & JASPER DRIVE  
 CASPER, WYOMING

Project No: BDG000002.01  
 Sheet Scale: 1" = 60'  
 Designed By: -  
 Drawn By: -  
 Date: NOVEMBER 2014  
 Disk File: BDG02\_P-Site Plan.dwg

**SITE PLAN**



**GRADING LEGEND**

	EXISTING CONTOUR
	EXISTING CONTOUR
	PROPOSED MINOR CONTOUR
	PROPOSED MAJOR CONTOUR
	FINISHED FLOOR

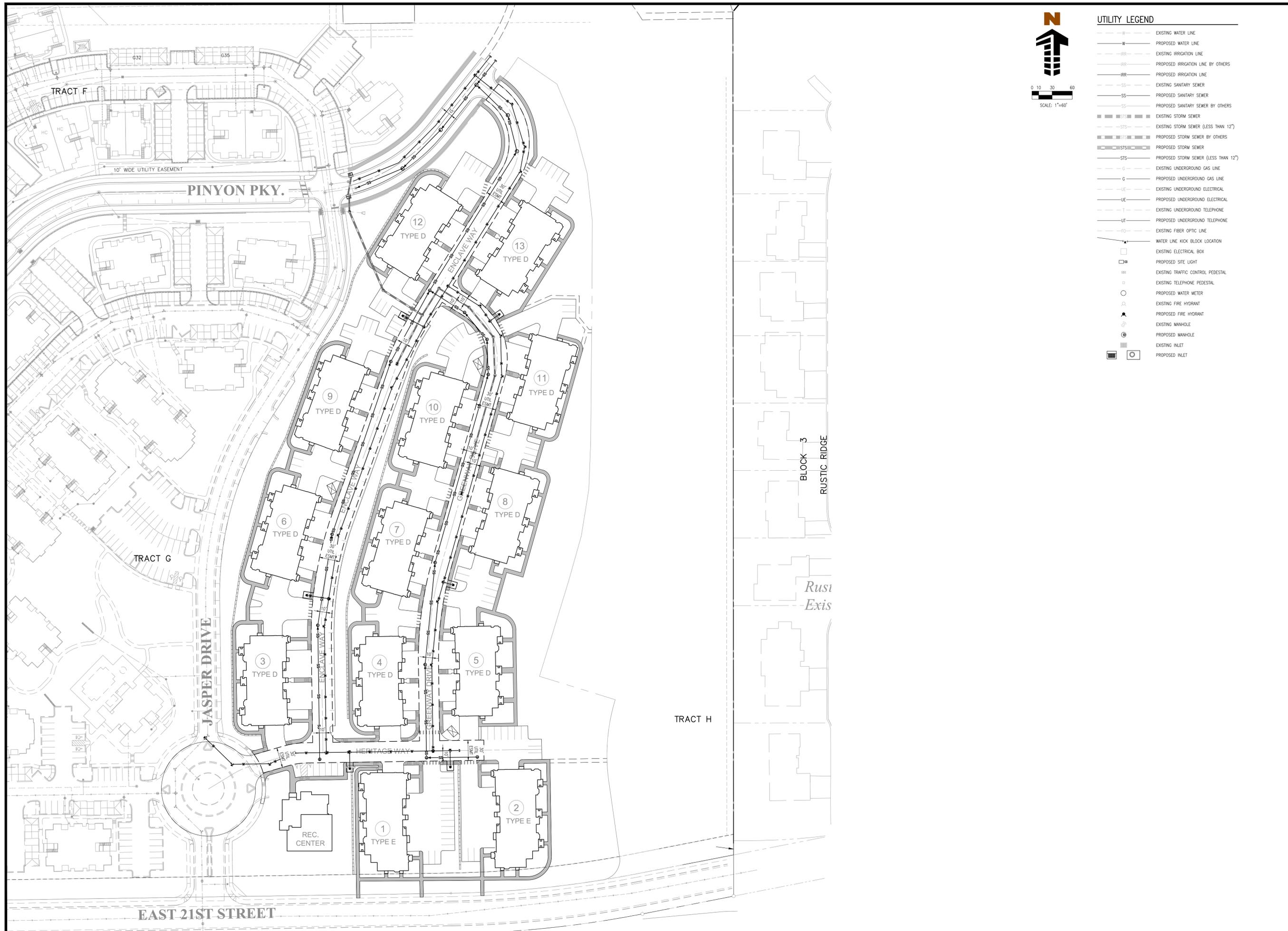
DATE	
DES. BY	
DRWN. BY	
REVISION	
No.	

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 SITE PLANNING DOCUMENTS  
 BERLAND DEVELOPMENT GROUP**  
 NEC of 21ST & JASPER DRIVE  
 CASPER, WYOMING

Project No: BDG000002.01  
 Sheet Scale: #####  
 Designed By: #####  
 Drawn By: #####  
 Date: NOVEMBER 2014  
 Disk File: BDG02\_P-Grading\_Plan.dwg

**GRADING PLAN**



**UTILITY LEGEND**

- W — EXISTING WATER LINE
- W — PROPOSED WATER LINE
- IRR — EXISTING IRRIGATION LINE
- IRR — PROPOSED IRRIGATION LINE BY OTHERS
- IRR — PROPOSED IRRIGATION LINE
- SS — EXISTING SANITARY SEWER
- SS — PROPOSED SANITARY SEWER
- SS — PROPOSED SANITARY SEWER BY OTHERS
- STS — EXISTING STORM SEWER
- STS — EXISTING STORM SEWER (LESS THAN 12")
- STS — PROPOSED STORM SEWER BY OTHERS
- STS — PROPOSED STORM SEWER
- STS — PROPOSED STORM SEWER (LESS THAN 12")
- G — EXISTING UNDERGROUND GAS LINE
- G — PROPOSED UNDERGROUND GAS LINE
- UE — EXISTING UNDERGROUND ELECTRICAL
- UE — PROPOSED UNDERGROUND ELECTRICAL
- T — EXISTING UNDERGROUND TELEPHONE
- UT — PROPOSED UNDERGROUND TELEPHONE
- FO — EXISTING FIBER OPTIC LINE
- WATER LINE KICK BLOCK LOCATION
- EXISTING ELECTRICAL BOX
- PROPOSED SITE LIGHT
- EXISTING TRAFFIC CONTROL PEDESTAL
- EXISTING TELEPHONE PEDESTAL
- PROPOSED WATER METER
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- EXISTING MANHOLE
- PROPOSED MANHOLE
- EXISTING INLET
- PROPOSED INLET

DATE	DES. BY	DRAWN BY

**Galloway**  
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 303.770.8834  
 303.770.3536 F  
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REVISION	No.

**THE ENCLAVE AT GREENWAY PARK**  
**SITE PLANNING DOCUMENT GROUP**  
 BERLAND DEVELOPMENT GROUP  
 NEC of 21ST & JASPER DRIVE  
 CASPER, WYOMING

Project No: BDG000002.01  
 Sheet Scale: 1" = 60"  
 Designed By: —  
 Drawn By: —  
 Date: NOVEMBER 2014  
 Disk File: BDG02\_P-Site Util.dwg

**UTILITY PLAN**



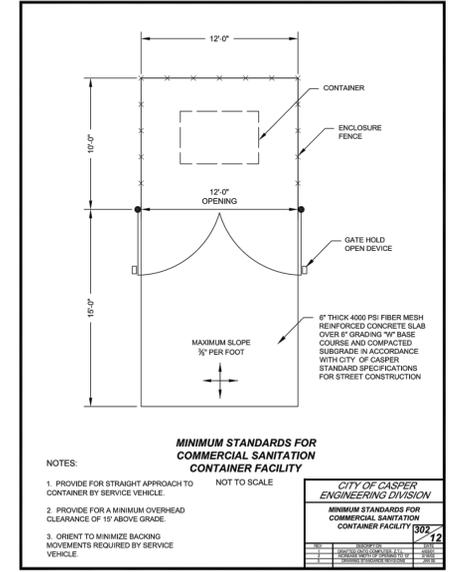
**LEGEND**

	DECIDUOUS TREES
	EVERGREEN TREES
	ORNAMENTAL TREES
	DECIDUOUS SHRUBS
	EVERGREEN SHRUBS

**SUGGESTED PLANT PALETTE**

KEY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
<b>SHADE TREES</b>				
ACFR	<i>Acer x freemanii</i>	Autumn Blaze Maple	25' cal.	
CEOC	<i>Celtis occidentalis</i>	Hackberry	25' cal.	
FRPE	<i>Fraxinus pennsylvanica</i>	Green Ash	25' cal.	
GLTR	<i>Gleditsia triacanthos var inermis 'Skyline'</i>	Skyline Honeylocust	25' cal.	
<b>ORNAMENTAL TREES</b>				
ACGI	<i>Acer ginnala 'Flame'</i>	Amur Maple	8' CLUMP.	
MASS	<i>Malus 'Spring Snow'</i>	Spring Snow Crabapple	2' cal.	
<b>EVERGREEN TREES</b>				
PIPG	<i>Picea pungens glauca</i>	Colorado Blue Spruce	6' min	
PIGL	<i>Picea glauca. var. densata</i>	Black Hills Spruce	6' min	
PINI	<i>Pinus nigra</i>	Austrian Pine	6' min	
<b>DECIDUCUS SHRUBS</b>				
BETH	<i>Berberis thunbergii autropurea nana</i>	Crimson Pygmy Barberry	5 gal.	Accent Plant
POFR	<i>Potentilla fruticosa 'Goldfinger'</i>	Goldfinger Potentilla	5 gal.	Accent Plant
SPBU	<i>Spirea x bumalda 'Goldflame'</i>	Goldflame Spirea	5 gal.	Accent Plant

- Notes:
- All areas disturbed by construction shall be graded to finish grade with topsoil, and seeded, sodded or covered with rock mulch. ALL AREAS OUTSIDE BEDLINES TO BE SODED. SEE DETAIL ON SHEET L3 FOR GRAVEL MULCH BEDS AROUND BUILDINGS.
  - All areas disturbed by the construction of the trail through the flood plain to be reseeded with native seed and erosion control installed where necessary pursuant to the erosion control plan.
  - Plant sizes are minimums. The contractor shall meet all size requirements listed. Container sizes shall conform to the requirements set by the American Standards for Nursery Stock.
  - All plant material shall conform to the latest edition of American Standard for Nursery Stock published by The American Association of Nurserymen.
  - The quantities in the Plant Schedule are provided to the Landscape Contractor as a convenience. It is the Landscape Contractors responsibility to verify all quantities and availability of plants and materials shown on the plan and schedule prior to submitting a bid. If selected, the Landscape Contractor shall make provisions necessary to have the necessary material to complete the landscape installation by the established deadlines.



**1 SINGLE TRASH ENCLOSURE**  
NOT TO SCALE

NO.	REVISION	DATE

**Galloway**  
 Planning, Architecture, Engineering  
 6162 S. Willow Drive, Suite 320  
 Greenwood Village, CO 80111  
 303.770.8884  
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**THE ENCLAVE AT GREENWAY PARK  
 SITE PLANNING DOCUMENTS  
 BERLAND DEVELOPMENT GROUP  
 NEC of 21ST & JASPER DRIVE  
 CASPER, WYOMING**

Project No:	BD000002-01
Sheet Scale:	Custom
Designed By:	
Drawn By:	
Date:	NOVEMBER 2014
Disk File:	landscape - Plan - 100.dwg

**LANDSCAPE PLAN**

## Dee Ann Hardy

---

**From:** Craig Collins  
**Sent:** Tuesday, December 16, 2014 5:10 PM  
**To:** Aaron Kloke; Liz Becher; Constance Lake; Dee Ann Hardy  
**Subject:** FW: Greenway Park Update

Craig Collins, AICP  
City Planner

City of Casper, Wyoming  
200 North David Street  
Casper, WY 82601  
(307)-235-8241  
[ccollins@cityofcasperwy.com](mailto:ccollins@cityofcasperwy.com)

---

**From:** Ron Baugh [<mailto:rabaugh@gmail.com>]  
**Sent:** Tuesday, December 16, 2014 4:38 PM  
**To:** 'David Haney'; John Patterson; Craig Collins; Kenyne Schlager; Stephen Cathey; 'Paul Bertoglio, Councilmember'; 'Bill Stoval'; 'Tom Scarlett'; 'Pat Dixon'; [Pdixn@aol.com](mailto:Pdixn@aol.com); 'Debbie Jelinek'; 'Jan Hawks'; 'Terry & Doug Richardson'; 'McKinzey'; [rboril@casperforsale.com](mailto:rboril@casperforsale.com); 'Susan Thomas'; [riverdancer@bresnan.net](mailto:riverdancer@bresnan.net); 'Mark Zaback'; [alexefimoff@bresnan.net](mailto:alexefimoff@bresnan.net); 'Kris Beevers'; 'jim griffin'; [jalex32674@aol.com](mailto:jalex32674@aol.com); 'Nick Wendland'; 'Stuart Day'; 'Don Baker'; [brn26@aol.com](mailto:brn26@aol.com); [schad@bresnan.net](mailto:schad@bresnan.net); [lculver52@msn.com](mailto:lculver52@msn.com); [mgranum@yahoo.com](mailto:mgranum@yahoo.com); [berniel18@bresnan.net](mailto:berniel18@bresnan.net); [mjo1944@msn.com](mailto:mjo1944@msn.com); [dickrin@bresnan.net](mailto:dickrin@bresnan.net); [pjrobbins@bresnan.net](mailto:pjrobbins@bresnan.net); [ssarvey@bresnan.net](mailto:ssarvey@bresnan.net); [oldsteamboat@msn.com](mailto:oldsteamboat@msn.com); [dstubson@bresnan.net](mailto:dstubson@bresnan.net); [bobwyo31@gmail.com](mailto:bobwyo31@gmail.com); [khwright31@gmail.com](mailto:khwright31@gmail.com); [kkzaback@bresnan.net](mailto:kkzaback@bresnan.net); 'Karen Apostolos'; 'Ed and Joyce Bratt'; 'Donna Freemole'; 'Marina Sy'; 'Norma Wall'; 'Renee Radman'; 'Allan Fraser'; [eric.eckelberg@att.net](mailto:eric.eckelberg@att.net); Robin Mundell; Bob Hopkins; Daniel Sandoval; Steve Johnson; Craig Hedquist; Ray Pacheco; [Grantalg@msn.com](mailto:Grantalg@msn.com)  
**Cc:** 'madeline haney'  
**Subject:** RE: Greenway Park Update

I am interested what the developer plans to do with "Tract H" (the green space)? It appears that with a slight adjustment to the proposed road location on the south end there would be potential room for additional development just to the west of Rustic Ridge if there were another revision to the development. Being the devil's advocate, there are few topography impediments to building if there are economics real or imagined.

I agree with Doug Richardson that there should a binding agreement that prevents any other revision to the development that would affect our area of discussion.

Ron Baugh

---

**From:** David Haney [<mailto:haney@wyomingcda.com>]  
**Sent:** Tuesday, December 16, 2014 8:36 AM  
**To:** David Haney; John Patterson; Craig Collins; Kenyne Schlager; Steve Cathey; Paul Bertoglio, Councilmember; Bill Stoval; Tom Scarlett; Pat Dixon; [Pdixn@aol.com](mailto:Pdixn@aol.com); Debbie Jelinek; Jan Hawks; Terry & Doug Richardson; McKinzey; [rboril@casperforsale.com](mailto:rboril@casperforsale.com); Susan Thomas ([susanrt99@bresnan.net](mailto:susanrt99@bresnan.net)); [riverdancer@bresnan.net](mailto:riverdancer@bresnan.net); Mark Zaback; [alexefimoff@bresnan.net](mailto:alexefimoff@bresnan.net); Kris Beevers; jim griffin; <[jalex32674@aol.com](mailto:jalex32674@aol.com)>; 'Nick Wendland'; Stuart Day; Don Baker; [brn26@aol.com](mailto:brn26@aol.com); [schad@bresnan.net](mailto:schad@bresnan.net); [lculver52@msn.com](mailto:lculver52@msn.com); [mgranum@yahoo.com](mailto:mgranum@yahoo.com); [berniel18@bresnan.net](mailto:berniel18@bresnan.net); [mjo1944@msn.com](mailto:mjo1944@msn.com); [dickrin@bresnan.net](mailto:dickrin@bresnan.net); [pjrobbins@bresnan.net](mailto:pjrobbins@bresnan.net); [ssarvey@bresnan.net](mailto:ssarvey@bresnan.net); [oldsteamboat@msn.com](mailto:oldsteamboat@msn.com); [dstubson@bresnan.net](mailto:dstubson@bresnan.net); [bobwyo31@gmail.com](mailto:bobwyo31@gmail.com); [khwright31@gmail.com](mailto:khwright31@gmail.com); [kkzaback@bresnan.net](mailto:kkzaback@bresnan.net); [rabaugh@gmail.com](mailto:rabaugh@gmail.com);

Karen Apostolos; Ed and Joyce Bratt; Donna Freemole; Marina Sy; Norma Wall; Renee Radman; Allan Fraser; [eric.eckelberg@att.net](mailto:eric.eckelberg@att.net); [rmundell@cityofcasperwy.com](mailto:rmundell@cityofcasperwy.com); [bhopkins@cityofcasperwy.com](mailto:bhopkins@cityofcasperwy.com); [dsandoval@cityofcasperwy.com](mailto:dsandoval@cityofcasperwy.com); [sjohnson@cityofcasperwy.com](mailto:sjohnson@cityofcasperwy.com); [chedquist@cityofcasperwy.com](mailto:chedquist@cityofcasperwy.com); [rpacheco@cityofcasperwy.com](mailto:rpacheco@cityofcasperwy.com); [cpowell@cityofcasperwy.com](mailto:cpowell@cityofcasperwy.com); [Grantalg@msn.com](mailto:Grantalg@msn.com)

**Cc:** madeline haney

**Subject:** Greenway Park Update

Fellow Rustic Ridge Homeowners:

The developer of Greenway Park, Don Breland, provided a revised preliminary plat of his changes to Bill Stovall and the City. Those changes include preserving the single-family homeownership lots immediately to the West of our subdivision. He did however absorb additional single-family ownership lots on the north end in order to accommodate additional density. What is now being proposed is 13 buildings of 10 to 12 unit apartment buildings not dissimilar to what already exists. While there are the single-family ownership lots as a buffer, it is not anywhere close to what was proposed originally. The single family development now designated as Phase 4 is likely to be revised again down the road if this is approved.

In our investigations with the City, we found that the City had approved two increases in density without providing any notice to us because we were not within the 300 foot radius required under law. We think that had we been notified of those changes in density, we as homeowners would have objected long before now. The original proposal called for buffers of building types and a differential in homeownership versus rental that was significantly different than what we are faced with today as well as much less density.

The actual public hearing for Planning and Zoning is January 27 at 6:00 PM. Written comments should be sent to Craig Collins ([ccollins@cityofcasperwy.com](mailto:ccollins@cityofcasperwy.com)) by no later than January 20. Assuming Planning and Zoning approves the request, there will be a subsequent opportunity for input directly to the City Council at a date yet to be determined. It is very likely that it will be that subsequent meeting of the Council. We will have an opportunity to truly impact the decision based on the original approval with significant buffers of both density and homeownership versus rental.

As always, Madeline and I are more than available to answer questions or provide guidance with regard to your written communications. It is very important that we all speak up and have a physical presence at the various meetings to demonstrate our sincerity and solidarity.

We are attaching our most recent communication to the City, including all of the new city council members. We think it is very important that you include both the city manager and the new members in whatever communications you send. We think it is particularly important for those residents who may not be in Casper for the winter to participate as vocally and as demonstrably as you can. Should you do so electronically, feel free to cut and paste the electronic addresses from our email. Should you want to reduce your thoughts to a letter, it should be submitted to the Community Development Department, 200 North David St., Room 205, Casper, Wyoming, 82601. If you have questions for the city. Please call them at 307 – 235 – 8241 and ask for Craig Collins.

Also attached is a copy of the "temporary proposed changes" provided by the developer to Bill Stovall and the City.

Dave

## **DAVID HANEY**

Executive Director  
Wyoming Community Development Authority  
155 N. Beech Street  
P.O. Box 634  
Casper, WY 82602  
P: (307) 265-0603 F: (307) 266-5414  
[www.wyomingcda.com](http://www.wyomingcda.com)



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**Stuart R. Day  
159 North Wolcott, Suite 400  
Casper, WY 82601**

**JAN 20 2015**

January 20, 2015

City of Casper Planning and Zoning  
200 North David Street, Room 205  
Casper, WY 82601

RE: PLN-14-067-R and PLN-14-068-S

To Whom It May Concern:

My mother, Evelyn R. Day, is a property owner in the Rustic Ridge Development, adjoining the Greenway Park PUD; she lives at 1926 Rustic Drive which is located on the west side of the Rustic Ridge development and directly next to the proposed development which is the subject of the application to vacate, replat and approve a PUD for a portion of Greenway Park. My mother and my father Richard E. Day were one of the original owners in Rustic Ridge. My father Richard recent passed away leaving my mother Evelyn as the sole owner of the 1926 Rustic Drive property.

I am writing on behalf of my mother to voice her objections to the re-platting and amendment to the original PUD for the Greenway Park Development that are currently before the Commission.

First, my mother is concerned because her property rights were violated in 2009 and again in 2012 when the Planning and Zoning Commission approved an increase in density in the Greenway Park Planned Unit Development. Notice of the proposed change was not given to landowners in Rustic Ridge who were within 300 feet of the PUD as required by the Zoning Ordinances. We understand that these alterations were not considered by the Planning and Zoning Commission or by the City Council, and no notice of the proposed alterations was provided to the owners adjoining the PUD like my mother.

We also understand that the reason recently given for the lack of notice was the proposed alterations did not result in a change in the total density for the PUD. It appears that the only density level of concern to the City of Casper is that of the entire PUD. As a result, the effect of this interpretation is that if the total density level of the PUD remains unchanged, even if the density level within different phases is changed, no notice is necessary, and the alterations can be made without review by the commission and city council.

On behalf of my mother, I respectfully disagree. She thinks the increase in the density of Phase I of the PUD as approved in the Greenway Park was not a minor alteration as contemplated in Paragraph 1 above. Instead, she thinks it was an alteration in the density level and design standards which requires that notice be given to all owners within 300 feet of the outline of the PUD.

On behalf of my mother, I offer that the rationale provided for lack of notice does not correctly interpret the applicable City of Casper regulations. Section 17.52.130 paragraph 2 requires notice to adjoining landowners when alterations in the density levels are being considered. The referenced provision clearly contemplates more than one density level to be considered in a PUD. Giving the words their normal meaning, the referenced provision must refer to the density levels in different phases of the PUD. The City's interpretation improperly reads out of existence the reference to the plural "density levels" in this regulation.

The better interpretation of this ordinance is that notice to adjoining property owners is required when the density level in any of the PUD phases is altered. Further, these density level changes must be "approved by the commission and passed by the council at public meetings." By the city's own admission, for the first two alterations of density levels of phases in the Greenway Park PUD, notice was not given, and the alterations were not approved by the commission and council.

The lack of notice associated with the past revisions of the PUD renders the modifications undertaken pursuant to those revisions unlawful. It would only compound this mistake to allow the developers to build on the unlawful modifications by renegeing on the representations made in 2007 as part of the original PUD approval process. An appropriate resolution would be to deny the proposed re-plating and amendment of the original PUD for the Greenway Park Development.

In addition to her concerns about the lack of notice of past modifications, my mother does not think the proposed re-plating and amendment of the original PUD for the Greenway Park Development satisfies the requirements of the Casper Area Comprehensive Land Use Plan.

In 2007, the Greenway Park developer met with property owners including my mother and father to review their plans to build apartment housing in the lands immediately to the west of our neighborhood which had previously not been zoned for high density residential. The developer made assurances that there would be an adequate buffer of residential lots immediately next to our neighborhood transitioning into lower density townhomes and multi-family housing then into the high density apartments; as a result, my parents did not object to the proposal to rezone the land and build the PUD as presented.

The original Site Plan Agreement for Greenway Park dated February 2, 2008, Phase IV provided for a street along the West fence line of Rustic Ridge with 12 residential lots on the West side of the street. Between those Phase IV residential lots and the existing high density Greenway Park apartments would be 5 more residential lots on the north end and smaller townhomes and multi-family units on the south end. My parents did not object to the original development as proposed because of this buffer and the gradual increase in housing density between Rustic Ridge and the high density development within the Greenway Park.

The conceptual revised site plan which is currently under consideration by the Planning and Zoning Commission and is the subject matter of current hearings is significantly different from the representations cited above. As an example, the February 2, 2008 site plan provided for 12 residential lots as a buffer along the East Side of Rustic Ridge, the new proposed site plan provides for 13 lots. The new proposed site plan has totally done away with the smaller town homes and multi-family units which were intended to be a further buffer between the Greenway Park residential lots and the high-density apartment complexes. Instead, the Greenway Park residential lots, as proposed, are directly abutting the high density residential complex. That results in a depth of one house as the only "buffer" between large high density apartment complexes and high end residential lots zoned R-1. My mother does not understand how a street constitutes a buffer zone.

In January of 2000, the City of Casper adopted the Casper Area Comprehensive Land Use Plan. As stated on page 3 of the plan, "The Plan ... provides guidelines for decisions concerning development and redevelopment in the Casper area." Casper's Comprehensive Land Use Plan provides for a vision of cohesive residential neighborhoods. The Plan **protects existing neighborhoods from the encroachment of new uses that could negatively impact property values or the quality of life.** The principles and goals associated with the Plan expressly state a preference to minimize changes to existing neighborhoods, ensure that changes to existing residential neighborhoods are compatible in terms of use, design and scale, and that negative impacts are adequately mitigated. New development that respects the character of existing neighborhoods and the Casper area. The Plan provides that Residential uses should:

10. Be compatible with the existing residential development, primarily through appropriate density placement. Generally, multifamily and duplex residential development is suitable transitional use that should be effectively located when possible between higher density development (such as commercial) and lower density development (such as single family residential) or integrated into a mixed use neighborhood.)

Further, my mother is concerned that none of the above criteria set forth in Section 17.52.020 of the Casper Municipal Code (the "Zoning Ordinances") have been met.

It can't be disputed that the houses in the housing development which directly abuts Greenway Park on the West side have lower assessed valuations than those in Rustic Ridge, in part, because they immediately adjoin a high density apartment complex. It appears clear that these lower cost homes are the only type of homes that builders will build next to a high density residential apartment complex. These are not the types of homes which the developer promised my parents would be built adjoining Rustic Ridge when he met with them when the original Greenway Park was in its planning stage as these homes are not the type of homes that were contemplated in the original plat.

As noted by Bill and Susan Heiss, these types of homes are not compatible in type, scale and character to the Rustic Ridge or Rustic Pines neighborhoods. This purported "buffer" does not provide the required gradual transition between the single family residential homes in Rustic Ridge and Rustic Pines and the proposed high density residential buildings in Greenway Park.

Based on the cited materials and the discussion above, on behalf of Evelyn R. Day, I respectfully request that the proposed re-platting and amendments to the Greenway Park PUD be denied in their entirety based on the fact that they are in violation of both the City of Casper Zoning Regulations and the Casper Comprehensive Land Use Plan.

Yours very truly,

A handwritten signature in black ink, appearing to read "Stuart R. Day". The signature is written in a cursive style with a large initial "S" and a distinct "D" at the end.

Stuart R. Day

# DIXON & DIXON, LLP

ATTORNEYS AT LAW

PATRICK DIXON  
KATHLEEN B. DIXON, R.N., J.D.

PARALEGAL  
KIM CARLSON, ACP

SUITE 600, FIRST INTERSTATE BANK BUILDING  
104 SOUTH WOLCOTT  
CASPER, WYOMING 82601  
TELEPHONE: (307) 234-7321  
FACSIMILE: (307) 234-0677  
WEBSITE: DIXONANDDIXONLLP.COM

November 13, 2014

Doug Hardy  
200 N. David, Room 205  
Casper, WY 82601

RE: PLN-14-067-R and PLN-14-068-S

Dear Sir or Madam:

Please be advised that I represent the Rustic Ridge Home Owners Association. RRHOA represents the homeowners in the Rustic Ridge subdivision, located directly east of the referenced Planned Unit Development. I am writing to voice RRHOA's communal objection to the proposed re-platting and amendment of the original PUD.

As you are aware, the Rustic Ridge subdivision is comprised of single family and upscale duplex residences. The lands to the north and east of Rustic Ridge are predominately, if not exclusively single family dwellings. This medium to upper end residential area is one of the most homogenous and most attractive residential areas in the city. When the Greenway Park Development was proposed back in 2007 residents of Rustic Ridge and other areas in the neighborhood voiced their objection to the construction of high density multi-unit housing in the middle of this single family residential area. As a result of the planning process, the developer proposed a plan which located high density units to the west adjacent to Beverly Street with a transition zone culminating in single family dwellings to the east of its property, and immediately west of Rustic Ridge. Based upon that transitional plan, the PUD was approved and ultimately recorded in 2009.

Now, as many predicted back in 2007, the developer is back before the Commission attempting to amend the plan to eliminate the transition zone, to eliminate green space, to eliminate the buffer zones and to construct multi-family units immediately across the fence from Rustic Ridge.

The RRHOA objects to this proposed change on the following grounds:

1. Planning and zoning standard 17.52.020-B requires that a project be "compatible with the area surrounding the project site"; obviously, the proposed changes will violate this standard;

2. Standard 17.52.020-D requires that a plan "provide for usable and suitably located open space"; the proposed changes will violate this standard by eliminating already accepted concepts of usable open space;

3. Standard 17.52.020-F provides that a plan shall "combine and coordinate architectural styles, building forms and building relationships within the development *and in concert with adjacent and surrounding land and development*"; the proposed changes will violate this standard by permitting the construction of multi-story apartment buildings in a backyard of upscale single family dwellings;

4. Standard 17.52.020-G requires that a project "minimize impact on adjacent zoning districts by eliminating building heights, providing screening and/or other buffers"; the proposed changes violate this standard in every possible sense;

5. Standard 17.52.020-H requires a developer to preserve, utilize and harmonize existing landscape features and amenities; the original plan did that very nicely - the amendments will eliminate this concept entirely;

6. Standard 17.52.020-K requires this plan to constitute buffer zones between existing land uses and zones; again the original plan satisfied this standard - the amendment does not.

By any of the criteria listed above, the proposed amendments fly in the face of sound community planning and will have the effect not only of degrading the Rustic Ridge community, but the entire east side residential area. For these reasons, RRHOA encourages the commission to reject the proposed amendments in their entirety.

Yours very truly,

Patrick Dixon  
Attorney for Rustic Ridge  
Homeowners Association

PD:km

JAN 20 2015

# DIXON & DIXON, LLP

PATRICK DIXON  
KATHLEEN B. DIXON, R.N., J.D.

ATTORNEYS AT LAW

PARALEGAL  
KIM CARLSON, ACP

SUITE 600, FIRST INTERSTATE BANK BUILDING  
104 SOUTH WOLCOTT  
CASPER, WYOMING 82601  
TELEPHONE: (307) 234-7321  
FACSIMILE: (307) 234-0677  
WEBSITE: DIXONANDDIXONLLP.COM

January 20, 2015

## **HAND DELIVERY**

Casper Planning and Zoning Commission  
200 N. David, Room 205  
Casper, WY 82601

RE: PLN-14-067-R and PLN-14-068-S

Dear Sir or Madam:

I am writing again on behalf of the Rustic Ridge Home Owners Association in opposition to the referenced PUD amendments. While the newly submitted plans are an improvement over the originally proposed amendments, and while RRHOA appreciates the developers' efforts to work us, unfortunately RRHOA continues to find the proposed amendment to be objectionable.

On November 14, 2014, I outlined RRHOA's objections by letter, a copy of which I enclose herewith. Notwithstanding the recent modifications, those objections continue to be germane. Specifically, RRHOA believes that the proposed amendments violate planning and zoning standards 17.52.020-B,D,F,G,H and K.

Stated plainly, we are concerned that the proposed amendment, even as modified will eliminate any type of meaningful buffer zone between the high density residential area and our single family residential area. We are concerned that the proposed amendment will dramatically impair our views which contribute to the quality of life we enjoy at Rustic Ridge. We believe that the amendment will result in the creation of a row of very undesirable lots with dozens of apartments, parking spaces and dumpsters on the other side of our fence. We are concerned about the increased density to the west. And, we are concerned that this development degrades the overall desirability of the Eastside residential area.

Finally, we are very concerned with this developer's consistent pattern of amending the PUD to increase density. As originally proposed in 2007, this PUD probably satisfied the city's planning and zoning criteria. Since that time, this

Planning and Zoning Commission  
January 20, 2015  
Page 2 of 2

Law Office of Dixon & Dixon, LLP

developer has, perhaps illegally, amended the PUD to increase the density and is now back for a third amendment. RRHOA urges the commission to reject this amendment in its entirety.

Thank you for your consideration.

Yours very truly,



Katie Moerke  
Assistant to Patrick Dixon  
Attorney for Rustic Ridge  
Homeowners Association

/km

cc: John Patterson, City Manager  
Steve Cathey, Councilmember  
Kenyne Schlager, Councilmember  
Ray Pacheco, Councilmember

**DAVID AND MADELINE HANEY**  
**1928 Rustic Drive**  
**Casper, Wyoming 82609**

November 11, 2014

John C. Patterson  
City Manager  
City of Casper  
200 North David St.  
Casper, Wyoming 82601

RE: Greenway Park PUD Site Plan

Dear John:

We were recently advised via 3 x 5 postcard of prospective changes to the Greenway Park PUD Site Plan postmarked November 7, 2014. Upon investigation with the Department of Planning and Zoning, specifically Craig Collins, City Planner, we were advised that there is a proposed significant change to the area immediately to the west of the Rustic Ridge Subdivision.

The change significantly increases the density immediately behind the Rustic Ridge subdivision and raises the height limits beyond its original approval. It also reduces the amount of setback originally approved. The changes from single-family homeownership to 10 and 12 multiple unit rental buildings is contrary to what has been presented to the residents of Rustic Ridge and approved by the City.

Specifically, the Greenway Park II Subdivision Agreement Amendment recorded on April 30, 2009 with the, Natrona County Clerk number 865576 specified that there would be lower density on the east side of the project due to existing single-family homes, view protections for existing residents of Rustic Ridge, design walked out lots and single load the streets to allow development on the slope, provide semi-custom homes that will match the proposed development as well as the existing homes to the east, and maintain the spectacular view to the south and southwest.

Additionally, the contemplated green space immediately adjacent to the west side of Rustic Ridge is being changed by reducing its size and taking away the approved road. That would also include doing away with an established setback from the single-family property lines on the west furthering the reduction in distance from the Rustic Ridge property line. The height of the contemplated multi-family development is also significantly higher than the promised and approved single-family homes.

We also understand from Craig Collins that the City will require significantly wider roads for any approval that would further reduce the size of the buffer between Greenway Park and Rustic Ridge.

The Developer has already significantly increased the density for the multi-family portion of the development and is seeking to change the strategy from what was originally promised and approved. We believe this is just an attempt by the developer to change his approved plan to increase density and rental income from the contemplated multi-family development.

The Rustic Pines subdivision immediately to the north of Rustic Ridge is currently building and marketing single-family homes that are consistent with the original approvals to Greenway Park. The suggestion that those kinds of homes would not sell is questionable given the success of both Rustic Pines and Rustic Ridge.

We are also assuming that the single-family future phase adjacent to Rustic Pines will continue to be Single-Family, even though by approving this proposal, it is very likely that the City would also be asked to increase the density on that property from single-family to multi-family.

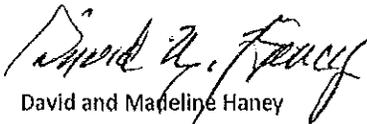
For our specific lot in Rustic Ridge, instead of having at least 100 feet to the front yard of a single family lot. We are now being asked to have a two-story 10 unit apartment building where the back of the unit will face to the east significantly increasing the number of households utilizing the remaining open space. Instead of having two vehicles, we would now have at least 12 vehicles entering and exiting this property alone, let alone any of the increases in traffic/density in the other three buildings, each with 10 or 12 units.

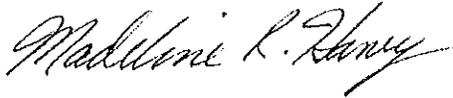
In conversations with Craig Collins, he indicates that once planning and zoning approves this change that the City Council would only review this as part of their consent agenda rather than having a public hearing like the Planning and Zoning hearing on November 25th.

We would respectfully request that you intercede with the Planning Department to have a more significant public hearing on the contemplated changes with extended timelines. At the very least, we would ask that the item be placed on the City Council's active agenda so that residents of Rustic Ridge and Rustic Pines have an opportunity to provide input prior to any approval. It would be our recommendation that the originally approved single-family configuration remain and be executed as promised.

Please feel free to contact either of us at 307 -- 333 -- 5367 (home) 307-251-7018 (cell) or email David at haney@wyomingcda.com. Thank you in advance for your consideration of our concerns.

Yours truly,

  
David and Madeline Haney



DMH/me

cc: Craig Collins, Planning and Zoning  
Bill Stoval, Rustic Ridge Homeowners Association  
Ronna Boril, Equity Brokers/Rustic Pines  
Kenyne Schlager, Councilmember  
Steve Cathey, Councilmember  
Paul Bertoglio, Councilmember  
Pat Dixon, Attorney at Law

## Dee Ann Hardy

---

**From:** Craig Collins  
**Sent:** Monday, November 24, 2014 8:23 AM  
**To:** Dee Ann Hardy; Aaron Kloke; Liz Becher  
**Subject:** FW: Greenway Park PUD  
**Attachments:** City of Casper Letter 11-22-14 v.2.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

fyi

**From:** David Haney [<mailto:haney@wyomingcda.com>]  
**Sent:** Saturday, November 22, 2014 1:17 PM  
**To:** John Patterson; Craig Collins; Kenyne Schlager; Stephen Cathey; Paul Bertoglio, Councilmember; Bill Stoval; Tom Scarlett; Pat Dixon; [pdixn@aol.com](mailto:pdixn@aol.com); Debbie Jelinek; Jan Hawks; Terry & Doug Richardson; McKinzey; [rboril@casperforsale.com](mailto:rboril@casperforsale.com); Susan Thomas ([susanrt99@bresnan.net](mailto:susanrt99@bresnan.net)); [riverdancer@bresnan.net](mailto:riverdancer@bresnan.net); Mark Zaback; [alexefimoff@bresnan.net](mailto:alexefimoff@bresnan.net); Kris Beevers; jim griffin; <[jalex32674@aol.com](mailto:jalex32674@aol.com)>; 'Nick Wendland'; Stuart Day; Don Baker; [brn26@aol.com](mailto:brn26@aol.com); [schad@bresnan.net](mailto:schad@bresnan.net); [lculver52@msn.com](mailto:lculver52@msn.com); [refarfla2@bresnan.net](mailto:refarfla2@bresnan.net); [mgranum@yahoo.com](mailto:mgranum@yahoo.com); [berniel18@bresnan.net](mailto:berniel18@bresnan.net); [mjo1944@msn.com](mailto:mjo1944@msn.com); [dickrin@bresnan.net](mailto:dickrin@bresnan.net); [pjrobbins@bresnan.net](mailto:pjrobbins@bresnan.net); [ssarvey@bresnan.net](mailto:ssarvey@bresnan.net); [oldsteamboat@msn.com](mailto:oldsteamboat@msn.com); [dstubson@bresnan.net](mailto:dstubson@bresnan.net); [bobwyo31@gmail.com](mailto:bobwyo31@gmail.com); [khwright31@gmail.com](mailto:khwright31@gmail.com); [kkzaback@bresnan.net](mailto:kkzaback@bresnan.net); [rabaugh@gmail.com](mailto:rabaugh@gmail.com)  
**Cc:** Madeline Haney  
**Subject:** Greenway Park PUD

I am attaching our letter to John Patterson as a response to the meeting with the developer. It again highlights our objections and requests that any consideration of the changes be placed before the full City Council. We will also be preparing a communication to the residents of both Rustic Ridge and Rustic Pines under separate cover highlighting our activities to date. I would ask that if you have email addresses for folks other than those listed above, that you share those with me so I can prepare as inclusive a list as I can.

### DAVID HANEY

Executive Director  
Wyoming Community Development Authority  
155 N. Beech Street  
P.O. Box 634  
Casper, WY 82602  
P: (307) 265-0603 F: (307) 266-5414  
[www.wyomingcda.com](http://www.wyomingcda.com)



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**David and Madeline Haney**

1928 Rustic Drive  
Casper, Wyoming 82609

November 22, 2014

John C. Patterson  
City Manager  
City of Casper  
200 North David St.  
Casper, WY 82601

RE: Greenway Park PUD Site Plan

Dear John:

At Craig Collins' suggestion, the Rustic Ridge homeowners met with the developer, Don Berland, on November 20th. Mr. Berland and his team made a presentation to the homeowners outlining their proposed changes to the development immediately to the west of Rustic Ridge. To say that the developer was less than cooperative would be an understatement. He reminded us numerous times that he did not want to debate the proposed changes, only hear our objections.

Mr. Berland stated that it was his partner, who is deceased, that wanted the single-family ownership mixed use. Mr. Berland further stated that he was an apartment developer, not a single family builder. He would likely sell the single-family ownership lots to a third-party builder if changes were made by the City to his proposal.

They are proposing to change the existing plat, to include 42 multifamily rental units immediately adjacent to the Rustic Ridge single family homes. Additionally, that area immediately to the west of those proposed rental units will be built with significantly higher density than was originally approved by the city. (Approved 76 units with a mix of ownership and rental versus 136 units that are 100% rental for this phase alone.)

Representatives of both Rustic Ridge and Rustic Pines highlighted their objections to the contemplated changes. Those objections are as follows:

1. Significantly higher density than was originally approved.
2. Elimination of the buffer of residential homeownership units from the remainder of the rental units that originally provided diversification of housing types.
3. With the additional density, the number of vehicles provided offstreet parking is significantly higher than originally approved.
4. Elevation changes would create additional barriers to the view shed for both Rustic Ridge and Rustic Pines.

In reviewing the PUD findings for project approval under 17.52.020, we would make the following observations. The proposed changes would not be compatible with the areas surrounding the project site. Eliminates the approved project diversification. It does not combine and coordinate the architectural styles, the building forms, and the building relationships in concert with adjacent and surrounding land and development. It does not minimize the impact on adjacent zoning districts. It does not consist of a mixture of uses, density, or designs. It does not constitute a buffer zone between existing land uses and existing zones.

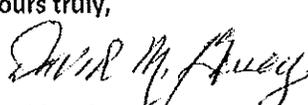
We understand from Planning and Zoning that the hearing originally scheduled for November 25 has now been delayed until December 11th. Mr. Collins also indicated that depending upon the developer's response to our objections and the requirements outlined in a preliminary response from the City, that any hearing may also be further delayed until January.

We would again ask that the Council pull the contemplated Planning and Zoning recommendations from the consent agenda and place the item on the active agenda for the Council's consideration regardless of the timing.

Madeline and I want to express our sincere thanks to the City for their cooperation and sensitivity to the issues of the existing homeowners. Planning and Zoning have been professional and thorough throughout. We would ask that any written communications with the developer be copied to us.

Please feel free to contact either of us at 307-333-5367 (home) or 307-251-7018 (cell) with any questions or issues. To further facilitate rapid communication, you may also utilize my email address of haney@wyomingcda.com.

Yours truly,

  
David and Madeline Haney

DMH/me

cc: Craig Collins, Planning and Zoning  
Bill Stoval, Rustic Ridge Homeowners Association  
Ronna Boril, Equity Brokers/Rustic Pines  
Kenyne Schlager, Councilmember  
Steve Cathey, Councilmember  
Paul Bertoglio, Councilmember  
Pat Dixon, Attorney at Law



**DAVID AND MADELINE HANEY**  
1928 Rustic Drive  
Casper, Wyoming 82609

November 26, 2014

RE: Greenway Park PUD

Dear Fellow Rustic Ridge Homeowners:

We received a notice from the City of Casper Planning and Zoning department on November 8th that the Greenway Park developer wanted to make changes to the Planned Unit Development (PUD) to the west of Rustic Ridge. The notice indicated that residents within 300 feet of the perimeter were being notified.

When Madeline called to find out what was being proposed, she spoke with Craig Collins, Casper City Planner. He stated that the developer (Donald Berland, Berland Development Group, Inc.) wanted to change Phase III (which is adjacent to the west side of Rustic Ridge) and increase the density. We asked him to supply Madeline with information on what the developer wanted to do. We are attaching a copy of what the developer is proposing in the new Site Plan.

We had a meeting with many of the residents who had received the notice, as well as, Rustic Ridge board members. A number of residents have already gone south for the winter and were unavailable. This occurred on November 19th at our house. Due to comments received by the City, they advised the developer that he should have a meeting with the concerned residents. The developers presentation was at his clubhouse in Greenway Park on November 20th.

What the developer is looking to do is not what he originally was approved for. He wants to put four two story apartment buildings with 10-12 apartments within each building immediately adjacent to the west side of Rustic Ridge and increase the density from the originally approved density of 76 units to 136 units and change the configuration from ownership to 100% rental. When we asked what happened to the townhouses and single family units originally approved back in roughly 2007, he basically said he really only does rental apartments.

During the course of the last week, we found out that the City Planning and Zoning meeting has been changed to January 27th at 6PM. Written comments will still be taken by P&Z up until January 20th. The purpose of this letter is to make sure all of our Rustic Ridge residents / neighbors have a chance to make their voice heard. Obviously, the development affects all of us in one way or another, whether it be density and/or property values.

However, according to the Planning and Zoning department, property value is not something they will consider.

We sent a letter on November 11th with our comments to the City. A copy is attached. Also, attached is a copy of the Rustic Ridge Homeowners Association comments that have been submitted by Pat Dixon, legal counsel for the Rustic Ridge Homeowners Association. We have also responded in writing to the City regarding our meeting with the developer which is also attached. **We feel that it is important for all of our residents to submit their concerns in writing whether or not you attend the hearings in person.**

We hope this helps you understand what is being proposed and allows you to have a voice. If you have questions, we will also be happy to respond.

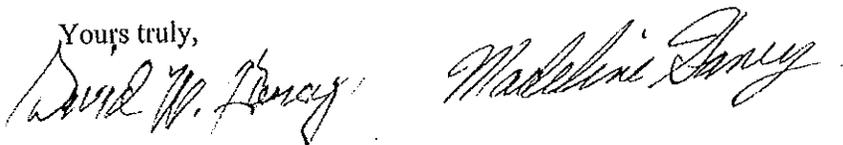
If you have an email address, it would help the Rustic Ridge HOA to have it so that when something like this occurs, we can just sent out an email instead of having to mail or hand deliver letters.

Please feel free to email me your email address and I will compile a list of all our residents.

Our contact info is:

David and Madeline Haney  
email: [madeline.haney@gmail.com](mailto:madeline.haney@gmail.com) or [haney@wyomingcda.com](mailto:haney@wyomingcda.com)  
home phone 307-333-5367  
cell phone 307-251-7018

Yours truly,



David and Madeline Haney

DMH/me

Attachments

cc: Ronna Boril

## Dee Ann Hardy

---

**From:** David Haney <haney@wyomingcda.com>  
**Sent:** Sunday, December 14, 2014 9:54 AM  
**To:** Craig Collins  
**Subject:** Greenway Park

Craig:

Madeline and I want to send along our sincere thanks for meeting with us on Friday. It helped us a good deal and gave us a better understanding of the process and its intent. We will continue to communicate with the Rustic Ridge homeowners and try to direct our efforts according to your recommendations. We would also like to have some formal communication with the planning and zoning commissioners prior to their decision. Can you provide me with a list of their names and emails so that we can include them in our communications to John and the City Council.

We appreciate the difficult position you are in.

Dave

### **DAVID HANEY**

Executive Director  
Wyoming Community Development Authority  
155 N. Beech Street  
P.O. Box 634  
Casper, WY 82602  
P: (307) 265-0603 F: (307) 266-5414  
[www.wyomingcda.com](http://www.wyomingcda.com)



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## Dee Ann Hardy

---

**From:** David Haney <haney@wyomingcda.com>  
**Sent:** Tuesday, December 16, 2014 8:36 AM  
**To:** David Haney; John Patterson; Craig Collins; Kenyne Schlager; Stephen Cathey; Paul Bertoglio, Councilmember; Bill Stoval; Tom Scarlett; Pat Dixon; Pdixn@aol.com; Debbie Jelinek; Jan Hawks; Terry & Doug Richardson; McKinzey; rboril@casperforsale.com; Susan Thomas (susanrt99@bresnan.net); riverdancer@bresnan.net; Mark Zaback; alexefimoff@bresnan.net; Kris Beevers; jim griffin; <jalex32674@aol.com>; 'Nick Wendland'; Stuart Day; Don Baker; brn26@aol.com; schad@bresnan.net; lculver52@msn.com; mgranum@yahoo.com; berniel18@bresnan.net; mjo1944@msn.com; dickrin@bresnan.net; pjrobbins@bresnan.net; ssarvey@bresnan.net; oldsteamboat@msn.com; dstubson@bresnan.net; bobwyo31@gmail.com; khwright31@gmail.com; kkzaback@bresnan.net; rabaugh@gmail.com; Karen Apostolos; Ed and Joyce Bratt; Donna Freemole; Marina Sy; Norma Wall; Renee Radman; Allan Fraser; eric.eckelberg@att.net; Robin Mundell; Bob Hopkins; Daniel Sandoval; Steve Johnson; Craig Hedquist; Ray Pacheco; Charlie Powell; Grantalg@msn.com  
**Cc:** madeline haney  
**Subject:** Greenway Park Update  
**Attachments:** Proposed new plat 12-14.pdf; City of Casper signed letter 12-16-14.pdf

Fellow Rustic Ridge Homeowners:

The developer of Greenway Park, Don Breland, provided a revised preliminary plat of his changes to Bill Stovall and the City. Those changes include preserving the single-family homeownership lots immediately to the West of our subdivision. He did however absorb additional single-family ownership lots on the north end in order to accommodate additional density. What is now being proposed is 13 buildings of 10 to 12 unit apartment buildings not dissimilar to what already exists. While there are the single-family ownership lots as a buffer, it is not anywhere close to what was proposed originally. The single family development now designated as Phase 4 is likely to be revised again down the road if this is approved.

In our investigations with the City, we found that the City had approved two increases in density without providing any notice to us because we were not within the 300 foot radius required under law. We think that had we been notified of those changes in density, we as homeowners would have objected long before now. The original proposal called for buffers of building types and a differential in homeownership versus rental that was significantly different than what we are faced with today as well as much less density.

The actual public hearing for Planning and Zoning is January 27 at 6:00 PM. Written comments should be sent to Craig Collins ([ccollins@cityofcasperwy.com](mailto:ccollins@cityofcasperwy.com)) by no later than January 20. Assuming Planning and Zoning approves the request, there will be a subsequent opportunity for input directly to the City Council at a date yet to be determined. It is very likely that it will be that subsequent meeting of the Council. We will have an opportunity to truly impact the decision based on the original approval with significant buffers of both density and homeownership versus rental.

As always, Madeline and I are more than available to answer questions or provide guidance with regard to your written communications. It is very important that we all speak up and have a physical presence at the various meetings to demonstrate our sincerity and solidarity.

We are attaching our most recent communication to the City, including all of the new city council members. We think it is very important that you include both the city manager and the new members in whatever communications you send. We think it is particularly important for those residents who may not be in Casper for the winter to participate as vocally and as demonstrably as you can. Should you do so electronically, feel free to cut and paste the electronic addresses from our email. Should you want to reduce your thoughts to a letter, it should be submitted to the Community Development Department, 200 North David St., Room 205, Casper, Wyoming, 82601. If you have questions for the city. Please call them at 307 – 235 – 8241 and ask for Craig Collins.

Also attached is a copy of the "temporary proposed changes" provided by the developer to Bill Stovall and the City.

Dave

**DAVID HANEY**

Executive Director

Wyoming Community Development Authority

155 N. Beech Street

P.O. Box 634

Casper, WY 82602

P: (307) 265-0603 F: (307) 266-5414

[www.wyomingcda.com](http://www.wyomingcda.com)



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William and Susan Heiss  
1923 Rustic Court  
Casper, Wyoming 82609  
307-265-1540

January 9, 2014

City of Casper Planning and Zoning  
200 North David Street, Room 205  
Casper, WY 82601

RE: PLN-14-067-R and PLN-14-068-S

Dear Sir or Madam:

We are property owners in the Rustic Ridge Development, adjoining the Greenway Park PUD, and additionally in our capacities as attorneys, representing Rustic Ridge homeowners who have been given notice of an application to vacate, replat and approve a PUD for a portion of Greenway Park.

We are writing to voice our objections and the objections of members of our neighborhood to the re-platting and amendment to the original PUD for the Greenway Park Development that are currently before the Commission for the following reasons.

In approximately 2007, the Greenway Park developer met with property owners in our neighborhood to go over their plans to build apartment housing in the lands immediately to the west of our neighborhood which had previously not been zoned for high density residential. Based on the assurances by the developer that there would be an adequate buffer of residential lots immediately next to our neighborhood transitioning into lower density townhomes and multi-family housing then into the high density apartments, our neighborhood did not object to the plans of the developer to rezone the land and build the PUD as presented. See the Attached Exhibit "1" the plat that was attached to Greenway Park PUD (Planned Unit Development) Site Plan Agreement dated February 2, 2008 recorded in the Natrona County Clerk and Recorder's Office as part of Instrument No. 851621.

"As with any local government legislative act, the creation of a PUD must be in accordance with a comprehensive plan. The the PUD must be created for for the benefit of the whole community and not for the individual property owner alone. Otherwise the PUD will amount to an illegal spot zoning" Planned Unit Development , Michael Murphy & Joseph Stinson, Pace University School of Law, 1996

In January of 2000, the City of Casper adopted the Casper Area Comprehensive Land Use Plan. As stated on page 3 of the plan, "The Plan ... provides guidelines for decisions concerning development and redevelopment in the Casper area."

On Page 6 of the Comprehensive Land Use Plan, it is provided:

#### Key Policy Framework Concepts...

##### 2. Compatibility

The Plan promotes the concept that new development should be compatible with existing development and the natural environment...

Figure 2.....Proposed land use changes for neighborhoods will be evaluated according to the type of neighborhood affected: whether established and stable, new and emerging, or aging and in need of improvement. Land use changes will be compatible with the type, scale, and physical character of the neighborhood.

On Page 7 of the Comprehensive Land Use Plan, it is provided:

##### 5. Character

The Plan strives to promote the unique character of the area by **protecting existing neighborhoods from the encroachment of land uses that impact the quality of life and property values**, providing development and design guidelines for new development that will enhance the way the community looks....

Rustic Ridge, adjoining the east side of Greenway Park, is a neighborhood of approximately 67 homes with private streets. Our neighborhood has restrictive covenants including covenants that restrict parking on the streets, provide that 60% of the exterior surface of each house be brick, disallow parking of travel trailers, snowmobiles, etc. on the residential lots, require that garage doors be left closed and specify house colors that must be used. Additionally, none of the residences in our neighborhood may be used as rentals. All of these covenants are designed to protect the property values in the neighborhood and for that reason Rustic Ridge is a highly sought after neighborhood. Assessed valuations in the neighborhood range from approximately \$168,000 for a vacant lot to approximately \$672,000. In Rustic Pines, a subdivision also covered by restrictive covenants designed to protect property values, the value of most of the homes is well over \$350,000 with the top home assessed at \$564,000. See Exhibit "2", a printout of valuations provided to Susan Heiss by the Natrona County Assessor's office. The Rustic Pines subdivision adjoins the Greenway Park on the North and East of the PUD. See Exhibit "3" for an example of the homes in Rustic Ridge.

In the original Site Plan Agreement for Greenway Park dated February 2, 2008, Phase IV provided for a street along the West fence line of Rustic Ridge with 12 residential lots on the West side of the street. Between those Phase IV residential lots and the existing high density Greenway Park apartments would be 5 more residential lots on the north end and smaller townhomes and multi-family units on the south end. Again, see Exhibit "1", a plat of the proposed development which was attached to the original site plan. Because of this buffer and the gradual increase in housing density between Rustic Ridge and the high density development within the Greenway Park the owners in Rustic Ridge did not object to the original development as proposed.

Compare that to Exhibit "4", the conceptual revised site plan which is currently under consideration by the Planning and Zoning Commission and is the subject matter of current hearing. Whereas, the February 2, 2008 site plan provided for 12 residential lots as a buffer along the East Side of Rustic Ridge, the new proposed site plan provides for 13 lots. The new proposed site plan has totally done away with the smaller town homes and multi-family units which were intended to be a further buffer between the Greenway Park residential lots and the high-density apartment complexes. Instead, the Greenway Park residential lots, as proposed, directly abut the high density residential complex. A depth of one house is the only buffer between large high density apartment complexes and high end residential lots zoned R-1. A street does not constitute a buffer.

Exhibit "5", shows pictures of two houses on Ali Street, the housing development which directly abuts Greenway Park on the West Side along with their assessed valuations. These homes have lower assessed valuations than those in Rustic Ridge, in part, because they immediately adjoin a high density apartment complex. These lower cost homes are the only type of homes that builders will build next to a high density residential apartment complex. These are not the types of homes which the developer promised us would be built adjoining Rustic Ridge when he met with us when the original Greenway Park was in its planning stage. They are not the type of homes that were contemplated in the original plat attached as Exhibit "1". In no way are these types of homes compatible in type, scale and character to the Rustic Ridge or Rustic Pines neighborhoods, however they are the types of homes that will be built adjoining Rustic Ridge because the large single family lots included in the original plan have been taken away. Instead the original large lots have been replaced by small lots suitable only for these types of homes. In no way does this type of purported "buffer" provide the required gradual transition between the single family residential homes in Rustic Ridge and Rustic Pines and the high density residential buildings in Greenway Park. The proposed plan moves the high density development closer to single family residences from that shown in the original plan. Gone in the currently proposed plan is the row of townhomes and multi-family owned residences between single family and high density rental development in the Greenway Park PUD.

See Exhibit "6" which shows a more appropriate buffering transition between apartment complexes and expensive homes along the river on the west side of town. One block of single family residential homes (6 homes) is located between the apartments and the expensive homes. The apartment complexes shown in Exhibit "6" are of lower density than those in the Greenway Park proposal but the city and developer apparently saw fit to buffer these apartments from the expensive homes along the river.

The Comprehensive Land Use Plan (page 33), provides:

Scope and Purpose of Comprehensive Land Use Plan  
The Plan has several purposes;

- To establish a framework for preserving and enhancing the existing communities of Casper, Bar Nunn, Evansville, and Mills:...
- To provide a policy basis for updating zoning and subdivision codes and determining whether they are in agreement with the community's vision...
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- **Protects existing neighborhoods from the encroachment of new uses that could negatively impact property values or the quality of life (P. 34)**

The proposed change in the density of the Greenway Park development by the developer will negatively impact property values and the quality of life in the Rustic Ridge neighborhood.

The Comprehensive Land Use Plan (page 60), provides

#### VISION 4: COHESIVE RESIDENTIAL NEIGHBORHOODS

Principles and Goals

##### PRINCIPLE O

Minimize Changes to Existing Residential Neighborhoods

##### Goal 30

Ensure that changes to existing residential neighborhoods are compatible in terms of use, design and scale, and that negative impacts are adequately mitigated.

##### Goal 43 (Page 64)

Foster new development that respects the character of existing neighborhoods and the Casper area

On pages 75 and 76 of the Comprehensive Land Use Plan, it is stated that

When considering the placement and design of specific land use types, the following guidelines should be used to help achieve the community's Visions and Goals

Residential uses should:...

**10.** Be compatible with the existing residential development, primarily through appropriate density placement. Generally, multifamily and duplex residential development is suitable transitional use that should be effectively located when possible between higher density development (such as commercial) and lower density development (such as single family residential) or integrated into a mixed use neighborhood.)

Section 17.52.020 of the Casper Municipal Code (the "Zoning Ordinances") requires that each proposed PUD must

- A. Be compatible with the goals and policies of the city master plan and other applicable adopted plans and policies;
- B. Be compatible with the area surrounding the project site and place no greater demand on existing city facilities and services than can be furnished by the city; ...
- F. Combine and coordinate architectural styles, building forms, and building relationships within the development and in concert with adjacent and surrounding land and development;
- G. Minimize impact on adjacent zoning districts by limiting building heights, providing screening and/or other buffers; ...
- J. Consist of such a mixture of uses, density, or characteristic or creative design;
- K. Constitute a buffer zone between existing land uses and existing zones;...

See the attached Exhibit "7" which are pictures of both the existing Greenway Park development and the homes in Rustic Ridge which show that none of the above criteria have been met. One row of homes on small lots is not an appropriate transitional barrier between the proposed apartments shown on the Site Plan attached as Exhibit "3" and the Rustic Ridge and Rustic Pines subdivisions. The apartments which are proposed are similar in size to the

existing apartments shown which have already been built in Greenway Park and which are shown in Exhibit "7".

In 2009, the Planning and Zoning Commission approved an increase in density in the Greenway Park Planned Unit Development and the Greenway Park Phase Site Plan Agreement dated August 6, 2009 was recorded as Instrument No. 873665 in the Natrona County Clerk and Recorder's office. Notice of the proposed change was not given to landowners in Rustic Ridge who were within 300 feet of the PUD as required by the the Zoning Ordinances.

As provided by Section 17.52.130.A. of the Zoning Ordinances,

- A. The final development plan, as passed by the council, shall not be altered during the construction of the planned unit development, except as set forth in this section.
  1. Minor alterations in locations, setting, alignments, bulk of structures, placement or types of plant material, changes in grades, heights, or character of structures, or other similar alterations may be authorized by the planning director, if required by circumstances not reasonably foreseeable at the time the final development plan was approved.
  2. All other alterations in the use, intent, rearrangement of lots, realignment of major circulation patterns, density levels, provisions governing common or open space, or the ratio thereof, including infrastructure design standards, or any other alterations that, in the discretion of the community development director and the city engineer, substantially change the planned unit development must be approved by the commission and passed by the council at public meetings for which public notice is given. The same type and quality of data shall be required as was necessary for the original final approval and passage.

An increase in the density of Phase I of the PUD as approved in the Greenway Park was not a minor alteration as contemplated in Paragraph 1 above. It was an alteration in the density level and design standards which covered by Paragraph 2 above which requires that notice be given to all owners within 300 feet of the outline of the PUD.

"A PUD views the entire tract rather than each individual lot and takes advantage of "design and other opportunities which large-scale development creates." Daniel R. Mandelker & Roger A. Cunningham, Planning and Control of Land Development 577 (1990). Because the PUD is viewed as a whole rather than as separate lots or phases, when changes are made to one lot or phase which are those contemplated by Section 17.52.130.A.2 of the Zoning Ordinances above, notice must be given to those property owners within 300 feet of the PUD rather

than to only those within 300 feet of an individual lot or phase. To give notice to only those owners within 300 feet of a lot or phase, as has been done by the City Planner's Office and the Commission, is to allow spot zoning which is a violation of the law.

As provided in Section 17.52.110 of the Zoning Ordinances regarding approval for PUD's consisting of more than twenty residential units, and commercial and industrial PUD's consisting of over 43,560 square feet of building area.

- A. Within fifteen working days after submission of the required information has been made, the commission shall hold a public hearing for which public notice shall be given. At such meeting, all interested parties may present testimony and evidence pertinent to the proposed planned unit development. Within ten calendar days after the public hearing, the commission shall recommend approval, approval with contingencies, table, or deny the proposal and shall state the rationale of their decision in writing, and shall forward their decision to the council.
  
- B. Within fifteen working days after the submission of the required information has been made, a written notice of the date, time and place of the public hearing shall be mailed first class U.S. mail, or delivered to the applicant and all owners of private real estate within a three-hundred-foot radius of the perimeter of the property in question as shown on the review required information. The notice shall be mailed and delivered at least fifteen calendar days prior to the hearing. Notice shall be published at least fifteen calendar days prior to the hearing, as required by law. ...

viii.

If the PUD is to be developed in stages, a description of each stage and an estimated date of completion for each stage. Any change or alteration in the design of the PUD or completion, will require the owner to submit an amended plan in compliance with the most current rules and regulations adopted by the city,

As stated in a law review article,

"On changes after approval, the developer can expect very little sympathy from the courts because the courts have never worried about the exercise of discretion which *tightens* apparent requirements. But the exercise of discretion which *relaxes* apparent requirements has been a different matter – here the courts tend to go to pieces." Planned Unit Development: A Challenge to

Established Theory and Practice of Land Use Control, University of  
Pennsylvania Law Review, Vo1.114:47 (1965)

Based on the above, the proposed amendments to the Greenway Park PUD should be denied in their entirety based on the fact that they are in violation of both the City of Casper Zoning Regulations and the Casper Comprehensive Land Use Plan.

Very Truly yours,

William and Susan Heiss  
Attorneys at Law

**David and Madeline Haney**

1928 Rustic Drive  
Casper, Wyoming 82609

January 12, 2015

John C. Patterson, City Manager  
Charlie Powell, Mayor  
Craig Collins, Planning & Zoning Commission  
City of Casper  
200 North David St.  
Casper, WY 82601

**RE: Greenway Park Development PLN-14-067-R and PLN-14-068-S**

Dear City Manager, Mayor, and City Planner:

As residents of Rustic Ridge, we would object to any approvals to the proposed changes to the Greenway Park Development. We ask that the Planning & Zoning Commission prohibit approval of those proposed changes for the following reasons. Should the Planning & Zoning Commission approve the changes, we ask that the approval be withdrawn from the City Council consent agenda and allow for public discussion. We would also ask that appropriate notification be provided in accordance with the ordinance for approval of planned unit developments.

In investigating the proposed changes to Greenway Park, we were advised that the density in the project was increased with the City's approval in 2009 and 2012. According to Planning and Zoning's comments, density was "borrowed" from the undeveloped land to justify the increases.

There are currently 368 rental units that are completed. The original approved PUD contemplated 429 total units, including the homeownership buffer. If the developer adhered to his original plan, there would be only 61 additional units to be built with all of the land remaining in the PUD. The proposed addition of 134 new rental units and 27 single-family ownership units, the developer would significantly increase the density further exacerbating the buffering of purpose. The new proposal, assuming no future changes for other phases that are contemplated, actually increases the overall density to 529 units.

The notice requirement for the 2009 and 2012 changes did not include Rustic Ridge due to the fact that the original approvals allowed the City to approve "minor" changes without public

comment. Our reading of the PUD regulations indicate that notice be given to anyone within a 300 foot radius of the actual PUD. No notice was given to the homeowners of Rustic Ridge to allow us to object to the increases. The approval was granted without public input for both phase 2 and phase 3 because none of the truly affected parties were notified.

We continue to be very frustrated with the developers failure to adhere to his original proposal, which included a significant buffer of ownership versus rental for Greenway Park. The new proposed configuration leaves the single-family ownership lots in tact on the west side of Rustic Ridge, but takes out the cul-de-sac. He also swallows up additional single-family ownership lots to allow further multifamily rental density. The type of multifamily rental housing proposed is significantly different than what was included in the original proposal. The original configuration called for 2 to 6 family townhouse style home ownership units where today the developer is contemplating 10 to 12 unit garden style two story rentals with significant on street parking.

Had the residents of Rustic Ridge been advised of the changes in density and purpose that is now being proposed, we would have objected more strenuously to the original PUD proposal. The developer is now renegeing on those promises made by his partner, who is now deceased, further frustrating the Rustic Ridge and Rustic Pines homeowners. In Wyoming, we pride ourselves in keeping our word. Perhaps a developer from Colorado finds that to be standard operating procedure; we in Wyoming do not operate that way.

We continue to object strenuously to the absence of buffer called for in the PUD ordinance that allows for a gradual transition from ownership to rental as was originally contemplated. That includes both the originally contemplated ownership types of buildings (townhouse or twin) as well as the buffer for gradual transition.

We are also concerned with the topography that is contemplated in the changes. It would appear based on what the City and the homeowners have seen that there are a number of retaining walls contemplated that would further exacerbate the buffer between rental and homeownership let alone the setback between buildings and alternative uses.

Additionally, the most recent proposal changes the topography on the east side of Greenway Park by excavating and displacing the dirt to the contemplated single-family homeownership lots, elevating those lots from the original height limitations.

We also object to the significant traffic increases that would result because of the increase in density. The majority of the parking for the proposed changes to the development are on

street parking not contained off street parking. If one counts the number of bedrooms in the rentals and assumes that there will be at least one vehicle per bedroom, it would appear that there is a significant potential for increases in noise and congestion. Please see the attached pictures of the current parking challenges and the failure to properly manage and police the parking.

Given these objections, it would also appear to us that these changes would violate the character provisions in the comprehensive land use plan by negatively impacting the quality of life and values of adjacent properties.

Madeline and I want to express our sincere thanks to the City for their cooperation and sensitivity to the issues of the existing homeowners. Planning and Zoning has been professional and thorough throughout. We would ask that any written communications with the developer be copied to us and that we are notified of any formal changes to proposals submitted to the City.

Please feel free to contact either of us at 307-333-5367 (home) or 307-251-7018 (cell) with any questions or issues. To further facilitate rapid communication, you may also utilize my email address of [haney@wyomingcda.com](mailto:haney@wyomingcda.com).

Yours truly,

David and Madeline Haney

DMH/me

cc: Bill Stoval, Rustic Ridge Homeowners Association  
Ronna Boril, Equity Brokers/Rustic Pines  
Robin Mundell, Councilmember  
Bob Hopkins, Councilmember  
Daniel Sandoval, Councilmember  
Shawn Johnson, Councilmember  
Craig Hedquist, Councilmember  
Ray Pacheco, Councilmember  
Kenyne Schlager, Councilmember  
Steve Cathey, Councilmember  
Bill Luben, City Attorney





Parking issues 1/11/15

January 8, 2015

Mr. Craig Collins  
Casper City Planner  
200 North David, Room 205  
Casper, WY 82601

Dear Mr. Collins:

I am doing some work for a couple of homeowners in the Rustic Ridge subdivision that abuts the Greenway Parkway development. As you know, the Greenway Parkway owner is seeking changes to the PUD. The original PUD was approved in 2008. Subsequent to that, it appears there were several applications for alterations and revisions to the original PUD in 2009 and 2012. Some of the Rustic Ridge owners only recently became aware of these alterations. None of the owners recalls receiving the notice required under sections 17.52.090(B), 17.52.110 and 17.52.130 of the city ordinances, yet the owners do own property within 300 feet of the Greenway Park PUD.

Do Planning and Zoning records show that notice of the subsequent changes to the original PUD was given to all owners within 300 feet of the Greenway Parkway PUD? Would the city's files contain an affidavit or proof of mailing? If so, I would appreciate receiving a copy of it

Thank you for your assistance.

Sincerely yours,

William N. Heiss

WNH/kg

Xc: Bill Luben, City Attorney  
Casper Planning and Zoning Commission

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Casper City Planner  
200 North David, Room 205  
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Thank you for your assistance.

Sincerely yours,

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WNH/kg

Xc: Bill Luben, City Attorney  
Casper Planning and Zoning Commission

William and Susan Heiss  
1923 Rustic Court  
Casper, Wyoming 82609  
307-265-1540

January 9, 2014

City of Casper Planning and Zoning  
200 North David Street, Room 205  
Casper, WY 82601

RE: PLN-14-067-R and PLN-14-068-S

Dear Sir or Madam:

We are property owners in the Rustic Ridge Development, adjoining the Greenway Park PUD, and additionally in our capacities as attorneys, representing Rustic Ridge homeowners who have been given notice of an application to vacate, replat and approve a PUD for a portion of Greenway Park.

We are writing to voice our objections and the objections of members of our neighborhood to the re-platting and amendment to the original PUD for the Greenway Park Development that are currently before the Commission for the following reasons.

In approximately 2007, the Greenway Park developer met with property owners in our neighborhood to go over their plans to build apartment housing in the lands immediately to the west of our neighborhood which had previously not been zoned for high density residential. Based on the assurances by the developer that there would be an adequate buffer of residential lots immediately next to our neighborhood transitioning into lower density townhomes and multi-family housing then into the high density apartments, our neighborhood did not object to the plans of the developer to rezone the land and build the PUD as presented. See the Attached Exhibit "1" the plat that was attached to Greenway Park PUD (Planned Unit Development) Site Plan Agreement dated February 2, 2008 recorded in the Natrona County Clerk and Recorder's Office as part of Instrument No. 851621.

"As with any local government legislative act, the creation of a PUD must be in accordance with a comprehensive plan. The the PUD must be created for for the benefit of the whole community and not for the individual property owner alone. Otherwise the PUD will amount to an illegal spot zoning" Planned Unit Development , Michael Murphy & Joseph Stinson, Pace University School of Law, 1996

In January of 2000, the City of Casper adopted the Casper Area Comprehensive Land Use Plan. As stated on page 3 of the plan, "The Plan ... provides guidelines for decisions concerning development and redevelopment in the Casper area."

On Page 6 of the Comprehensive Land Use Plan, it is provided:

#### Key Policy Framework Concepts...

##### 2. Compatibility

The Plan promotes the concept that new development should be compatible with existing development and the natural environment...

Figure 2.....Proposed land use changes for neighborhoods will be evaluated according to the type of neighborhood affected: whether established and stable, new and emerging, or aging and in need of improvement. Land use changes will be compatible with the type, scale, and physical character of the neighborhood.

On Page 7 of the Comprehensive Land Use Plan, it is provided:

##### 5. Character

The Plan strives to promote the unique character of the area by **protecting existing neighborhoods from the encroachment of land uses that impact the quality of life and property values**, providing development and design guidelines for new development that will enhance the way the community looks....

Rustic Ridge, adjoining the east side of Greenway Park, is a neighborhood of approximately 67 homes with private streets. Our neighborhood has restrictive covenants including covenants that restrict parking on the streets, provide that 60% of the exterior surface of each house be brick, disallow parking of travel trailers, snowmobiles, etc. on the residential lots, require that garage doors be left closed and specify house colors that must be used. Additionally, none of the residences in our neighborhood may be used as rentals. All of these covenants are designed to protect the property values in the neighborhood and for that reason Rustic Ridge is a highly sought after neighborhood. Assessed valuations in the neighborhood range from approximately \$168,000 for a vacant lot to approximately \$672,000. In Rustic Pines, a subdivision also covered by restrictive covenants designed to protect property values, the value of most of the homes is well over \$350,000 with the top home assessed at \$564,000. See Exhibit "2", a printout of valuations provided to Susan Heiss by the Natrona County Assessor's office. The Rustic Pines subdivision adjoins the Greenway Park on the North and East of the PUD. See Exhibit "3" for an example of the homes in Rustic Ridge.

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Compare that to Exhibit "4", the conceptual revised site plan which is currently under consideration by the Planning and Zoning Commission and is the subject matter of current hearing. Whereas, the February 2, 2008 site plan provided for 12 residential lots as a buffer along the East Side of Rustic Ridge, the new proposed site plan provides for 13 lots. The new proposed site plan has totally done away with the smaller town homes and multi-family units which were intended to be a further buffer between the Greenway Park residential lots and the high-density apartment complexes. Instead, the Greenway Park residential lots, as proposed, directly abut the high density residential complex. A depth of one house is the only buffer between large high density apartment complexes and high end residential lots zoned R-1. A street does not constitute a buffer.

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- F. Combine and coordinate architectural styles, building forms, and building relationships within the development and in concert with adjacent and surrounding land and development;
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See the attached Exhibit "7" which are pictures of both the existing Greenway Park development and the homes in Rustic Ridge which show that none of the above criteria have been met. One row of homes on small lots is not an appropriate transitional barrier between the proposed apartments shown on the Site Plan attached as Exhibit "3" and the Rustic Ridge and Rustic Pines subdivisions. The apartments which are proposed are similar in size to the

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- B. Within fifteen working days after the submission of the required information has been made, a written notice of the date, time and place of the public hearing shall be mailed first class U.S. mail, or delivered to the applicant and all owners of private real estate within a three-hundred-foot radius of the perimeter of the property in question as shown on the review required information. The notice shall be mailed and delivered at least fifteen calendar days prior to the hearing. Notice shall be published at least fifteen calendar days prior to the hearing, as required by law. ...

viii.

If the PUD is to be developed in stages, a description of each stage and an estimated date of completion for each stage. Any change or alteration in the design of the PUD or completion, will require the owner to submit an amended plan in compliance with the most current rules and regulations adopted by the city,

As stated in a law review article,

"On changes after approval, the developer can expect very little sympathy from the courts because the courts have never worried about the exercise of discretion which *tightens* apparent requirements. But the exercise of discretion which *relaxes* apparent requirements has been a different matter – here the courts tend to go to pieces." Planned Unit Development: A Challenge to

Established Theory and Practice of Land Use Control, University of  
Pennsylvania Law Review, Vo1.114:47 (1965)

Based on the above, the proposed amendments to the Greenway Park PUD should be denied in their entirety based on the fact that they are in violation of both the City of Casper Zoning Regulations and the Casper Comprehensive Land Use Plan.

Very Truly yours,

William and Susan Heiss  
Attorneys at Law

3William and Susan Heiss  
1923 Rustic Court  
Casper, Wyoming 82609  
307-265-1540

**JAN 19 2015**

January 15, 2015

City of Casper  
Planning and Zoning Commission  
Casper City Hall  
200 N. David Street, Room 205  
Casper, WY 82601

RE: PLN-14-067-R and PLN-14-068-S

Dear Sir or Madam:

We are property owners in the Rustic Ridge Development, adjoining the Greenway Park PUD, and additionally in our capacities as attorneys, representing Rustic Ridge homeowners who have been given notice of an application to vacate, replat and approve a PUD for a portion of Greenway Park.

We are writing to voice our objections and the objections of members of our neighborhood to the re-platting and amendment to the original PUD for the Greenway Park Development that are currently before the Commission for the following reasons.

In approximately 2007, the Greenway Park developer met with property owners in our neighborhood to go over their plans to build apartment housing in the lands immediately to the west of our neighborhood which had previously not been zoned for high density residential. Based on the assurances by the developer that there would be an adequate buffer of residential lots(including "McMansions") immediately next to our neighborhood transitioning into lower density townhomes and multi-family housing then into the high density apartments, our neighborhood did not object to the plans of the developer to rezone the land and build the PUD as presented. See the Attached Exhibit "1" the plat that was attached to Greenway Park PUD (Planned Unit Development) Site Plan Agreement dated February 2, 2008 recorded in the Natrona County Clerk and Recorder's Office as part of Instrument No. 851621.

"As with any local government legislative act, the creation of a PUD must be in accordance with a comprehensive plan. The PUD must be created for for the benefit of the whole community and not for the individual property owner alone. Otherwise the PUD will amount to an illegal spot zoning" *Planned Unit Development* , Michael Murphy & Joseph Stinson, Pace University School of Law, 1996

In January of 2000, the City of Casper adopted the Casper Area Comprehensive Land Use Plan. As stated on page 3 of the plan, "The Plan ... provides guidelines for decisions concerning development and redevelopment in the Casper area."

On Page 6 of the Comprehensive Land Use Plan, it is provided:

### Key Policy Framework Concepts...

#### 2. Compatibility

The Plan promotes the concept that new development should be compatible with existing development and the natural environment...

Figure 2.....Proposed land use changes for neighborhoods will be evaluated according to the type of neighborhood affected: whether established and stable, new and emerging, or aging and in need of improvement. **Land use changes will be compatible with the type, scale, and physical character of the neighborhood.** (emphasis added)

On Page 7 of the Comprehensive Land Use Plan, it is provided:

#### 5. Character

The Plan strives to promote the unique character of the area by **protecting existing neighborhoods from the encroachment of land uses that impact the quality of life and property values**, providing development and design guidelines for new development that will enhance the way the community looks....(emphasis added)

Rustic Ridge, adjoining the east side of Greenway Park, is a neighborhood of approximately 67 homes with private streets. Our neighborhood has restrictive covenants including covenants that restrict parking on the streets, provide that 60% of the exterior surface of each house be brick, disallow parking of travel trailers, snowmobiles, etc. on the residential lots, require that garage doors be left closed and specify house colors that must be used. Additionally, none of the residences in our neighborhood may be used as rentals. All of these covenants are designed to protect the property values in the neighborhood and for that reason Rustic Ridge is a highly sought after neighborhood. Assessed valuations in the neighborhood range from approximately \$168,000 for a vacant lot to approximately \$672,000. In Rustic Pines, a subdivision also covered by restrictive covenants designed to protect property values, the value of most of the homes is well over \$350,000 with the top home assessed at \$564,000. See

Exhibit "2", a printout of valuations provided to Susan Heiss by the Natrona County Assessor's office. The Rustic Pines subdivision is immediately north of Rustic Ridge and adjoins Greenway Park on the north and east of the PUD. See Exhibit "3" for an example of the homes in Rustic Ridge.

In the original Site Plan Agreement for Greenway Park dated February 2, 2008, Phase IV provided for a street along the West fence line of Rustic Ridge with 12 residential lots on the West side of the street. As told by our neighborhood by the developer, "McMansions" would be built on these lots. Again, see Exhibit "1", a plat of the proposed development which was attached to the original site plan. Because of this buffer and the gradual increase in housing density between Rustic Ridge and the high density development within the Greenway Park the owners in Rustic Ridge did not object to the original development as proposed.

Compare that to Exhibit "4", the conceptual revised site plan which is currently under consideration by the Planning and Zoning Commission and is the subject matter of current hearing. Whereas, the February 2, 2008 site plan provided for 12 residential lots as a buffer along the East Side of Rustic Ridge, the new proposed site plan provides for 13 lots. The new proposed site plan has totally done away with the smaller town homes and multi-family units which were intended to be a further buffer between the Greenway Park residential lots and the high-density apartment complexes. Instead, the Greenway Park residential lots, as proposed, directly abut the high density residential complex. A depth of one house is the only buffer between large high density apartment complexes and high end residential lots zoned R-1. A street does not constitute a buffer.

Exhibit "5", shows pictures of two houses on Ali Street, the housing development which directly abuts Greenway Park on the West Side along with their assessed valuations. These homes have lower assessed valuations than those in Rustic Ridge, in part, because they immediately adjoin a high density apartment complex. These lower cost homes are the only type of homes that builders will build next to a high density residential apartment complex and on small residential lots in the proposed site plan. These are not the types of homes which the developer promised the Rustic Ridge and Rustic Pines owners would be built adjoining Rustic Ridge when he met with us when the original Greenway Park was in its planning stage. They are not the type of homes that were contemplated in the original plat attached as Exhibit "1". In no way are these types of homes compatible in type, scale and character to the Rustic Ridge or Rustic Pines neighborhoods, however they are the types of homes that will be built adjoining Rustic Ridge because the large single family lots included in the original plan have been taken away. Instead the original large lots have been replaced by small lots suitable only for these types of homes. In no way does this type of purported "buffer" provide the required gradual transition between the single family residential homes in Rustic Ridge and Rustic Pines and the high density residential buildings in Greenway Park. The proposed plan moves the

high density development closer to single family residences from that shown in the original plan. Gone in the currently proposed plan is the row of townhomes and multi-family owned residences between single family and high density rental development in the Greenway Park PUD.

See Exhibit "6" which shows a more appropriate buffering transition between apartment complexes and expensive homes along the river on the west side of town. One block of single family residential homes (6 homes) is located between the apartments and the expensive homes. The apartment complexes shown in Exhibit "6" are of lower density than those in the Greenway Park proposal but the city and developer apparently saw fit to buffer these apartments from the expensive homes along the river.

The Comprehensive Land Use Plan (page 33), provides:

Scope and Purpose of Comprehensive Land Use Plan  
The Plan has several purposes;

- To establish a framework for preserving and enhancing the existing communities of Casper, Bar Nunn, Evansville, and Mills:...
- To provide a policy basis for updating zoning and subdivision codes and determining whether they are in agreement with the community's vision...
- To encourage government agencies and private developers to **design projects in harmony with the natural characteristics of the land**, the capabilities of public services and facilities, and **existing development**;...
- **Protects existing neighborhoods from the encroachment of new uses that could negatively impact property values or the quality of life** (P. 34) (emphasis added)

The proposed change in the density of the Greenway Park development by the developer will negatively impact property values and the quality of life in the Rustic Ridge neighborhood.

The Comprehensive Land Use Plan (page 60), provides

#### VISION 4: COHESIVE RESIDENTIAL NEIGHBORHOODS

Principles and Goals

PRINCIPLE O

Minimize Changes to Existing Residential Neighborhoods

Goal 30

**Ensure that changes to existing residential neighborhoods are compatible in terms of use, design and scale, and that negative impacts are adequately mitigated.** (emphasis added)

Goal 43 (Page 64)

**Foster new development that respects the character of existing neighborhoods and the Casper area (emphasis added)**

On pages 75 and 76 of the Comprehensive Land Use Plan, it is stated that

When considering the placement and design of specific land use types, the following guidelines should be used to help achieve the community's Visions and Goals

Residential uses should:...

**10. Be compatible with the existing residential development, primarily through appropriate density placement.** Generally, multifamily and duplex residential development is suitable transitional use that should be effectively located when possible between higher density development (such as commercial) and lower density development (such as single family residential) or integrated into a mixed use neighborhood.) (emphasis added)

Not only was the density increased in Phase I of the Greenway Park Development after approval of the original site plan without the required notice to the Rustic Ridge and Rustic Pines owners, but now the developer has asked to increase the density in the proposed phase. One only has to drive through the existing phase to recognize that the development is too dense. Cars and trucks are parked along the sidewalks, in illegal zones, and on the undeveloped raw land to the east between the existing apartments and Rustic Ridge. In no way is this density compatible with the existing residential development to the east, ie. Rustic Ridge and Rustic Pines.

Section 17.52.020 of the Casper Municipal Code (the "Zoning Ordinances") requires that each proposed PUD must

- A. Be compatible with the goals and policies of the city master plan and other applicable adopted plans and policies;
- B. Be compatible with the area surrounding the project site and place no greater demand on existing city facilities and services than can be furnished by the city; ...
- F. Combine and coordinate architectural styles, building forms, and building relationships within the development and in concert with adjacent and surrounding land and development;

- G. Minimize impact on adjacent zoning districts by limiting building heights, providing screening and/or other buffers; ...
- J. Consist of such a mixture of uses, density, or characteristic or creative design;
- K. Constitute a buffer zone between existing land uses and existing zones;...

See the attached Exhibit "7" which are pictures of both the existing Greenway Park development and the homes in Rustic Ridge which show that none of the above criteria have been met. One row of homes on small lots is not an appropriate transitional barrier between the proposed apartments shown on the Site Plan attached as Exhibit "3" and the Rustic Ridge and Rustic Pines subdivisions. The apartments which are proposed are similar in size to the existing apartments shown which have already been built in Greenway Park and which are shown in Exhibit "7".

In 2009, the Planning and Zoning Commission approved an increase in density in the Greenway Park Planned Unit Development and the Greenway Park Phase Site Plan Agreement dated August 6, 2009 was recorded as Instrument No. 873665 in the Natrona County Clerk and Recorder's office. Notice of the proposed change was not given to landowners in Rustic Ridge who were within 300 feet of the PUD as required by the Zoning Ordinances.

As provided by Section 17.52.130.A. of the Zoning Ordinances,

- A. The final development plan, as passed by the council, shall not be altered during the construction of the planned unit development, except as set forth in this section.
  - 1. Minor alterations in locations, setting, alignments, bulk of structures, placement or types of plant material, changes in grades, heights, or character of structures, or other similar alterations may be authorized by the planning director, if required by circumstances not reasonably foreseeable at the time the final development plan was approved.
  - 2. All other alterations in the use, intent, rearrangement of lots, realignment of major circulation patterns, density levels, provisions governing common or open space, or the ratio thereof, including infrastructure design standards, or any other alterations that, in the discretion of the community development director and the city

engineer, substantially change the planned unit development must be approved by the commission and passed by the council at public meetings for which public notice is given. The same type and quality of data shall be required as was necessary for the original final approval and passage.

An increase in the density of Phase I of the PUD as approved in the Greenway Park was not a minor alteration as contemplated by Section 17.52.130.A.1 above. It was an alteration in the density level and design standards which are covered by 17.52.130.A.2 above. Such a change requires that notice be given to all owners within 300 feet of the outline of the PUD. Any decision by the Planning Department that a change in density is a minor alteration to the PUD is arbitrary, capricious and an abuse of discretion.

"A PUD views the entire tract rather than each individual lot and takes advantage of "design and other opportunities which large-scale development creates." Daniel R. Mandelker & Roger A. Cunningham, Planning and Control of Land Development 577 (1990). Because the PUD is viewed as a whole rather than as separate lots or phases, when changes are made to one lot or phase which are those contemplated by Section 17.52.130.A.2 of the Zoning Ordinances above, notice must be given to those property owners within 300 feet of the PUD rather than to only those within 300 feet of an individual lot or phase. To not have given notice to those owners within 300 feet of the PUD, as has been done by the City Planner's Office and the Commission, is to allow spot zoning which is a violation of the law.

As provided in Section 17.52.110 of the Zoning Ordinances regarding approval for PUD's consisting of more than twenty residential units, and commercial and industrial PUD's consisting of over 43,560 square feet of building area.

- A. Within fifteen working days after submission of the required information has been made, the commission shall hold a public hearing for which public notice shall be given. At such meeting, all interested parties may present testimony and evidence pertinent to the proposed planned unit development. Within ten calendar days after the public hearing, the commission shall recommend approval, approval with contingencies, table, or deny the proposal and shall state the rationale of their decision in writing, and shall forward their decision to the council.
- B. Within fifteen working days after the submission of the required information has been made, a written notice of the date, time and place of the public hearing shall be mailed first class U.S. mail, or delivered to the applicant and all owners of private real

estate within a three-hundred-foot radius of the perimeter of the property in question as shown on the review required information. The notice shall be mailed and delivered at least fifteen calendar days prior to the hearing. Notice shall be published at least fifteen calendar days prior to the hearing, as required by law. ...

viii.

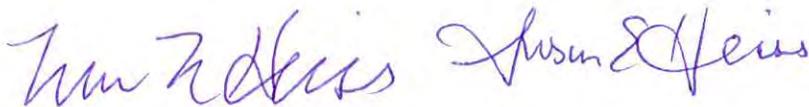
If the PUD is to be developed in stages, a description of each stage and an estimated date of completion for each stage. Any change or alteration in the design of the PUD or completion, will require the owner to submit an amended plan in compliance with the most current rules and regulations adopted by the city,

As stated in a law review article,

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Based on the above, the proposed amendments to the Greenway Park PUD should be denied in their entirety based on the fact that they are in violation of both the City of Casper Zoning Regulations and the Casper Comprehensive Land Use Plan.

Very truly yours,



William and Susan Heiss  
Attorneys at Law



EXHIBIT "2"

ACCOUNTNO	TAXYEAR	LEGAISEARCH	BLDGS	ACTUALVAL	ASSESSEDVAL	LOCATIONADDRESS
R0021293	2014	RUSTIC PINES (RPLT) BLK 1 LOT 10	0	3335	317 PINYON PKWY	
R0021334	2014	RUSTIC PINES (RPLT) BLK 1 LOT 11	1	335616	31883 3050 E 18TH ST	
R0021342	2014	RUSTIC PINES BLK 1 LOT 3	1	326664	31033 1730 BLUE SPRUCE DR	
R0021341	2014	RUSTIC PINES BLK 1 LOT 4	1	323064	30691 1740 BLUE SPRUCE DR	
R0021340	2014	RUSTIC PINES BLK 1 LOT 5	1	383964	36477 1750 BLUE SPRUCE DR	
R0021339	2014	RUSTIC PINES BLK 1 LOT 6	0	54575	5185	
R0021338	2014	RUSTIC PINES BLK 1 LOT 7	1	391825	37224 3150 E 18TH ST	
R0021337	2014	RUSTIC PINES BLK 1 LOT 8	1	365288	34702 3120 E 18TH ST	
R0021361	2014	RUSTIC PINES BLK 1 LOT 9	0	5506	523	
R0021335	2014	RUSTIC PINES BLK 2 LOT 1	1	374682	35594 3060 E 18TH ST	
R0021345	2014	RUSTIC PINES BLK 2 LOT 10	0	33340	3167 1660 BLUE SPRUCE DR	
R0021333	2014	RUSTIC PINES BLK 2 LOT 11	1	277301	26344 3040 E 18TH ST	

R0021332	2014	RUSTIC PINES BLK 2 LOT 12	1	386905	36756 3020 E 18TH ST
R0021331	2014	RUSTIC PINES BLK 2 LOT 13	1	498083	47318 1640 BLUE SPRUCE DR
R0021330	2014	RUSTIC PINES BLK 2 LOT 14	0		
R0021329	2014	RUSTIC PINES BLK 2 LOT 15	0	41622	3954 E 18TH ST
R0021327	2014	RUSTIC PINES BLK 2 LOT 16	1	253142	24048 3321 E 18TH ST
R0021336	2014	RUSTIC PINES BLK 2 LOT 17	1	377846	35895 3080 E 18TH ST
R0021352	2014	RUSTIC PINES BLK 2 LOT 18	0	52358	4974 1661 BLUE SPRUCE DR
R0021360	2014	RUSTIC PINES BLK 2 LOT 19	1	354446	33672 3360 E 18TH ST
R0021359	2014	RUSTIC PINES BLK 2 LOT 2	1	388281	36886 3340 E 18TH ST
R0021358	2014	RUSTIC PINES BLK 2 LOT 20	1	399673	37969 1761 BLUE SPRUCE DR
R0021357	2014	RUSTIC PINES BLK 2 LOT 21	1	338036	32113 1751 BLUE SPRUCE DR
R0021356	2014	RUSTIC PINES BLK 2 LOT 22	1	525158	49890 1741 BLUE SPRUCE DR
R0021355	2014	RUSTIC PINES BLK 2 LOT 23	1	527688	50131 1731 BLUE SPRUCE DR

R0021343	2014	RUSTIC PINES BLK 2 LOT 24	1	340528	32350 1720 BLUE SPRUCE DR
R0021353	2014	RUSTIC PINES BLK 2 LOT 25	1	420496	39947 1671 BLUE SPRUCE DR
R0021344	2014	RUSTIC PINES BLK 2 LOT 26	1	411103	39055 1670 BLUE SPRUCE DR
R0021351	2014	RUSTIC PINES BLK 2 LOT 27	1	447870	42548 1651 BLUE SPRUCE DR
R0021350	2014	RUSTIC PINES BLK 2 LOT 28	1	366382	34807 1641 BLUE SPRUCE DR
R0021349	2014	RUSTIC PINES BLK 2 LOT 29	1	382912	36377 1631 BLUE SPRUCE DR
R0021348	2014	RUSTIC PINES BLK 2 LOT 3	0	43025	4087 1621 BLUE SPRUCE DR
R0021347	2014	RUSTIC PINES BLK 2 LOT 30	0	405	38
R0021346	2014	RUSTIC PINES BLK 2 LOT 31	0	31322	2976 1650 BLUE SPRUCE DR
R0021324	2014	RUSTIC PINES BLK 2 LOT 32	1	306585	29125 3241 E 18TH ST
R0021354	2014	RUSTIC PINES BLK 2 LOT 33	1	403007	38285 1681 BLUE SPRUCE DR
R0021298	2014	RUSTIC PINES BLK 2 LOT 4	0	2594	246 PINYON PKWY
R0021295	2014	RUSTIC PINES BLK 2 LOT 5	0	2720	258 PINYON PKWY

R0021305	2014	RUSTIC PINES BLK 2 LOT 6	0	3174	302 PINYON PKWY
R0021304	2014	RUSTIC PINES BLK 2 LOT 7	0	2427	231 PINYON PKWY
R0021303	2014	RUSTIC PINES BLK 2 LOT 8	0	2594	246 PINYON PKWY
R0021302	2014	RUSTIC PINES BLK 2 LOT 9	0	2594	246 PINYON PKWY
R0021301	2014	RUSTIC PINES BLK 3 LOT 1	0	2594	246 PINYON PKWY
R0021307	2014	RUSTIC PINES BLK 3 LOT 10	1	564167	53596 1560 BLUE SPRUCE DR
R0021299	2014	RUSTIC PINES BLK 3 LOT 11	0	2594	246 PINYON PKWY
R0021308	2014	RUSTIC PINES BLK 3 LOT 12	1	434867	41313 1570 BLUE SPRUCE DR
R0021297	2014	RUSTIC PINES BLK 3 LOT 13	0	2401	228 PINYON PKWY
R0021296	2014	RUSTIC PINES BLK 3 LOT 14	0	2800	266 PINYON PKWY
R0021294	2014	RUSTIC PINES BLK 3 LOT 15	0	3051	290 PINYON PKWY
R0021292	2014	RUSTIC PINES BLK 3 LOT 16	0	3245	308 PINYON PKWY
R0021291	2014	RUSTIC PINES BLK 3 LOT 2	0	3073	292

R0021290	2014	RUSTIC PINES BLK 3 LOT 3	0	2904	276
R0021045	2014	RUSTIC PINES BLK 3 LOT 4	0	3062	291
R0021300	2014	RUSTIC PINES BLK 3 LOT 5	0	2594	246 PINYON PKWY
R0021316	2014	RUSTIC PINES BLK 3 LOT 6	1	435185	41343 3061 E 18TH ST
R0021328	2014	RUSTIC PINES BLK 3 LOT 7	1	378988	36004 3341 E 18TH ST
R0021323	2014	RUSTIC PINES BLK 3 LOT 8	1	461359	43829 3221 E 18TH ST
R0021322	2014	RUSTIC PINES BLK 3 LOT 9	1	333968	31727 3161 E 18TH ST
R0021321	2014	RUSTIC PINES BLK 4 LOT 1 PT	1	336861	32001 3141 E 18TH ST
R0021320	2014	RUSTIC PINES BLK 4 LOT 1 PT	1	363177	34502 3121 E 18TH ST
R0021319	2014	RUSTIC PINES BLK 4 LOT 10	0	66662	6333 E 18TH ST
R0021306	2014	RUSTIC PINES BLK 4 LOT 11	0	2984	283
R0021317	2014	RUSTIC PINES BLK 4 LOT 12	1	392827	37319 3071 E 18TH ST
R0021325	2014	RUSTIC PINES BLK 4 LOT 13	1	278016	26411 3261 E 18TH ST

R0021315	2014	RUSTIC PINES BLK 4 LOT 14	1	302719	28759 3051 E 18TH ST
R0021314	2014	RUSTIC PINES BLK 4 LOT 2	1	328484	31206 3041 E 18TH ST
R0021313	2014	RUSTIC PINES BLK 4 LOT 3	1	399919	37993 3031 E 18TH ST
R0021312	2014	RUSTIC PINES BLK 4 LOT 4	1	433407	41174 3021 E 18TH ST
R0021311	2014	RUSTIC PINES BLK 4 LOT 5	0	70910	6736 E 18TH ST
R0021310	2014	RUSTIC PINES BLK 4 LOT 6	0	48183	4577
R0021309	2014	RUSTIC PINES BLK 4 LOT 7	0	2602	247 BLUE SPRUCE DR
R0021318	2014	RUSTIC PINES BLK 4 LOT 8	0	68022	6462 E 18TH ST
R0021326	2014	RUSTIC PINES BLK 4 LOT 9	1	353214	33555 3281 E 18TH ST
R0052071	2014	RUSTIC PINES LOT TR A	0	6196	589
R0021288	2014	RUSTIC PINES LOT TR B EXEMPT	0	3010	286
R0021289	2014	RUSTIC PINES LOT TR C	0	3878	368
R0021158	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 53 & 54 S 8	1	383225	36406 1917 RUSTIC CT

R0021168	2014	1	RUSTIC RIDGE (RPLT) BLK 1 LOT	1	262154	24905	1940 KINGSBURY DR
R0021167	2014	1	RUSTIC RIDGE (RPLT) BLK 2 LOT	1	286444	27212	2043 RUSTIC DR
R0021166	2014	10	RUSTIC RIDGE (RPLT) BLK 2 LOT	1	273632	25995	2045 RUSTIC DR
R0021165	2014	2	RUSTIC RIDGE (RPLT) BLK 2 LOT	1	270273	25676	1930 KINGSBURY DR
R0021164	2014	3	RUSTIC RIDGE (RPLT) BLK 2 LOT	1	261952	24886	1920 KINGSBURY DR
R0021163	2014	4	RUSTIC RIDGE (RPLT) BLK 2 LOT	1	253035	24038	2047 RUSTIC DR
R0021162	2014	5	RUSTIC RIDGE (RPLT) BLK 2 LOT	1	249295	23683	2049 RUSTIC DR
R0021161	2014	6	RUSTIC RIDGE (RPLT) BLK 2 LOT	1	250967	23842	1910 KINGSBURY DR
R0021169	2014	7	RUSTIC RIDGE (RPLT) BLK 2 LOT	1	266940	25359	2010 KINGSBURY DR
R0021159	2014	8	RUSTIC RIDGE (RPLT) BLK 2 LOT	1	334443	31772	1915 RUSTIC CT
R0021172	2014	9	RUSTIC RIDGE (RPLT) BLK 2 LOT	1	312820	29718	2020 KINGSBURY DR
R0021157	2014		RUSTIC RIDGE (RPLT) BLK 3 LOT 49 N 130	1	363827	34564	1919 RUSTIC CT
R0021156	2014		RUSTIC RIDGE (RPLT) BLK 3 LOT 23 W PT	1	318276	30236	1921 RUSTIC CT

R0021155	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 41 S 80 & 42 N 14	1	379910	36091 1923 RUSTIC CT
R0021154	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 1 N 1/2	1	227527	21615 2030 RUSTIC DR
R0021153	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 1 S 1/2	1	240190	22818 2032 RUSTIC DR
R0021152	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 10	1	310438	29492 2040 RUSTIC DR
R0021160	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 11	1	261551	24847 1913 RUSTIC CT
R0021180	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 12 E 1/2	1	229301	21783 2070 KINGSBURY DR
R0021192	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 13 E PT	1	282531	26840 2007 RUSTIC DR
R0021190	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 13 W PT	1	467881	44449 2001 RUSTIC CR
R0021189	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 14 EXC SLY 6.98 TRI	1	354561	33684 2005 RUSTIC CIR
R0021188	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 15	1	381935	36283 2009 RUSTIC DR
R0021186	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 16	1	387461	36809 2013 RUSTIC DR
R0021184	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 17	1	333773	31708 2019 RUSTIC PL
R0021183	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 2 N 1/2	1	308617	29319 2021 RUSTIC PL

R0021170	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 2 S 1/2	1	314231	29852 2041 RUSTIC DR
R0021181	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 21PT	1	266971	25362 2080 KINGSBURY DR
R0021151	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 22	1	285958	27166 2042 RUSTIC DR
R0021179	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 23 E PT	1	326415	31009 2060 KINGSBURY DR
R0021178	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 24	1	256689	24385 2050 KINGSBURY DR
R0021177	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 25	1	356117	33832 2027 RUSTIC PL
R0021176	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 26 ELY PT	1	441635	41955 2029 RUSTIC PL
R0021175	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 26 WLY PT	1	352215	33460 2031 RUSTIC DR
R0021174	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 27 E 1/2	1	395479	37570 2035 RUSTIC DR
R0021185	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 28	1	466006	44270 2017 RUSTIC PL
R0021171	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 29	1	246506	23418 2039 RUSTIC DR
R0021182	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 3 N 1/2	1	268265	25485 2025 RUSTIC PL
R0021057	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 3 S PT & 4 N PT	0	168600	16017 RUSTIC DR

R0021067	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 30	1	246904	23456 1918 RUSTIC DR
R0021066	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 31 E 88.2 EXC S 4.28	1	343882	32669 1938 RUSTIC DR
R0021065	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 31 S 4.28 & 32 N PT	1	309990	29449 1936 RUSTIC DR
R0021064	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 31 W 66.67 EXC S 4.28	1	429242	40778 1948 RUSTIC CR
R0021063	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 32 S PT	1	672791	63915 1944 RUSTIC CR
R0021062	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 33 N PT	1	339549	32258 1940 RUSTIC DR
R0021061	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 33 S PT	1	437060	41520 1928 RUSTIC DR
R0021060	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 34 NE PT	1	342315	32520 1926 RUSTIC DR
R0021068	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 34 SW PT	1	290021	27552 1908 RUSTIC DR
R0021058	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 35	1	346185	32887 1922 RUSTIC DR
R0021053	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 36	1	298682	28374 1910 RUSTIC DR
R0021056	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 37 S PT	1	392270	37265 1916 RUSTIC DR
R0021055	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 38 N 88.33	1	378618	35969 1914 RUSTIC DR

R0021054	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 38 S 81.67	1	332890	31625 1912 RUSTIC DR
R0021052	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 39	1	317353	30149 1906 RUSTIC DR
R0021050	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 4 S PT	0	57605	5472 1902 RUSTIC DR
R0021049	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 42 S 79 & 43 N PT	1	282188	26807 1850 KINGSBURY DR
R0021150	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 43 S PT	1	312969	29732 2044 RUSTIC PL
R0021187	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 44 NE PT	1	270530	25701 2011 RUSTIC DR
R0021059	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 44 SW PT	1	284806	27057 1924 RUSTIC DR
R0021146	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 45	1	234972	22322 1907 RUSTIC DR
R0021149	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 46	1	320537	30451 2046 RUSTIC DR
R0021148	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 47 EXC 83	0	182369	17325 RUSTIC DR
R0021051	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 48 & S 30 OF 49	1	337436	32057 1904 RUSTIC DR
R0021130	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 5	1	383473	36430 1915 RUSTIC DR
R0021147	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 50	1	323903	30771 1909 RUSTIC DR

R0021145	2014	51	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	204012	19381 1905 RUSTIC DR
R0021144	2014	52	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	327887	31150 1937 RUSTIC DR
R0021143	2014	54 N 92 & 55 S 18	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	345491	32822 1923 RUSTIC DR
R0021142	2014	55 N 92	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	360191	34218 1927 RUSTIC DR
R0021141	2014	56	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	357454	33958 1931 RUSTIC DR
R0021132	2014	57	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	310908	29536 1916 RUSTIC CT
R0021133	2014	58	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	347687	33031 1920 RUSTIC CT
R0021140	2014	59	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	269220	25576 1935 RUSTIC DR
R0021134	2014	6	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	390772	37123 1922 RUSTIC CT
R0021135	2014	60 & ACCESS WAY	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	390028	37052 1926 RUSTIC CT
R0021136	2014	7 N PT	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	266717	25338 2014 RUSTIC DR
R0021131	2014	7 S PT	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	359304	34134 1914 RUSTIC CT
R0021137	2014	8	RUSTIC RIDGE (RPLT) BLK 3 LOT	1	224274	21306 2012 RUSTIC DR

R0021138	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT 9	1	339120	32216 2004 RUSTIC DR
R0021139	2014	RUSTIC RIDGE (RPLT) BLK 3 LOT N 83 OF 47	1	425809	40452 1939 RUSTIC DR

EXHIBIT "3"



EXHIBIT "3" Continued

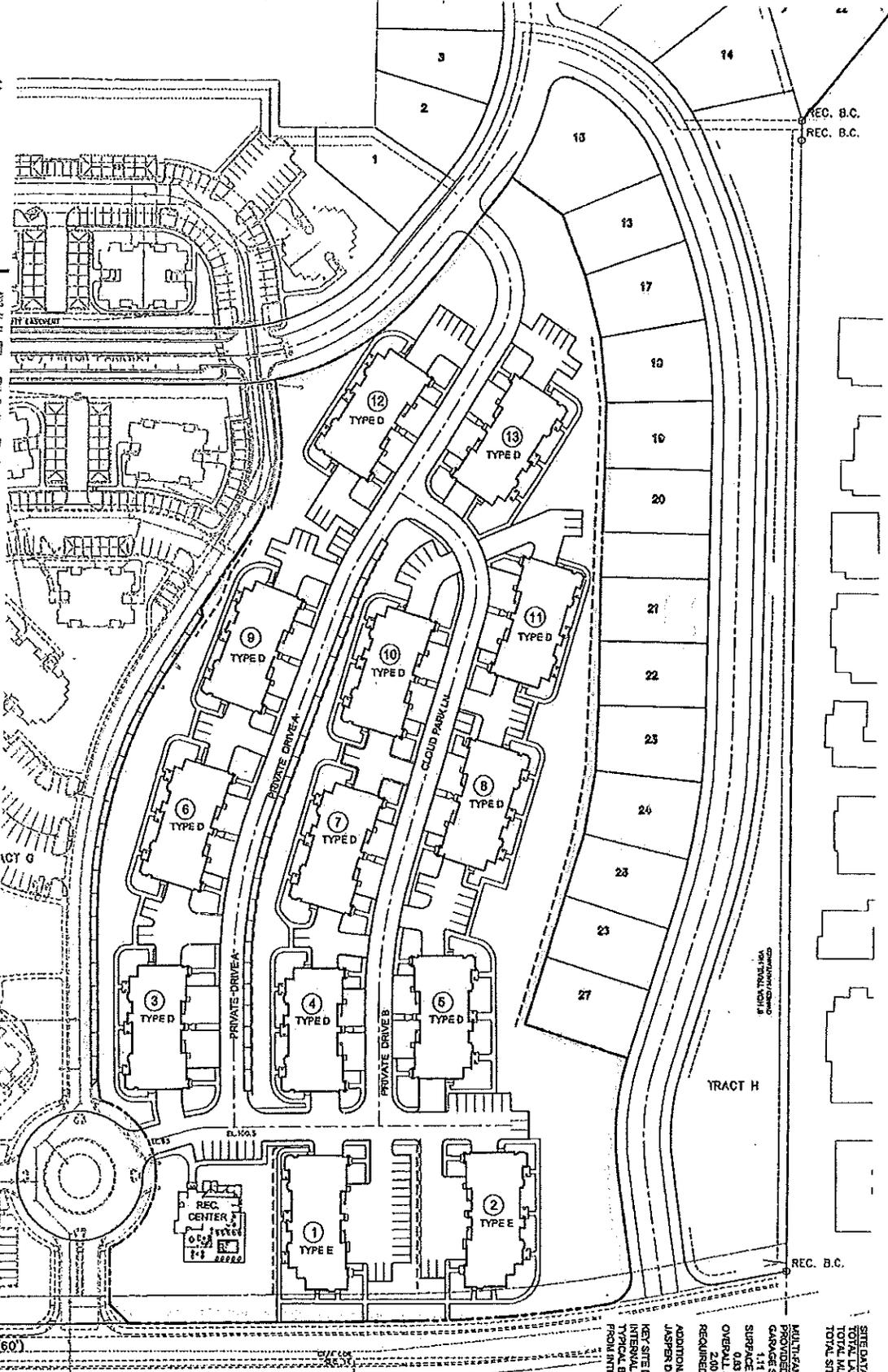


EXHIBIT "4"

**Goaway**  
 Planning, Architecture, Engineering

Berland Development Group

THE ENCLAVE AT GREENWAY PARK  
 CONCEPTUAL SITE PLAN



**SITE DATA**

TOTAL LAND AREA: 22.20 ACRES  
 TOTAL MULTIFAMILY UNITS: 134 UNITS  
 TOTAL GARAGE SPACES: 150  
 TOTAL SURFACE STALLS: 118  
 TOTAL OVERALL STALLS: 288  
 REQUIRED: 121 / DWELLING UNIT: 165  
 ADDITIONAL ADJACENT STALLS ALONG JASPER DRIVE: 21

**KEY SITE DIMENSIONS:**

MINIMUM FRONT YARD SETBACK FROM INTERVAL ROAD: 21'

**MULTI-FAMILY PARKING DATA:**

PROVIDED APARTMENTS: 134  
 GARAGE SPACES: 150  
 SURFACE STALLS: 118  
 OVERALL STALLS: 288  
 REQUIRED: 121 / DWELLING UNIT: 165



12.01.2014

# EXHIBIT "5"

## Property Tax and Assessment Information

Owners: WHITAKER, MELANIE LEE  
 Owners Address: 2744 ALI CIRCLE  
 CASPER WY 826090000  
 Parcel Number: 33791421503300  
 Property Address: 2744 ALI CIR  
 Legal Description: WINDSOR HEIGHTS (RPLT) LOT 33  
 Building ID: 1  
 Class: Residential

### ASSESSOR INFORMATION

### TREASURER INFORMATION

Account Number:	R0021479	Bill Number:	45335
Land Size Square Feet:	13385	General Tax:	\$1,312.82
Living Area Square Feet:	1116	Special Purpose1:	\$0.00
Land Size Acres:	0.31	Special Purpose2:	\$0.00
Year Built:	2006	Special Purpose3:	\$0.00
Description:	Ranch 1 Story		

**Total Tax:** \$1,312.82

Market Value Land:	\$66,925.00	<b>2014 PAYMENTS:</b>
Market Value Building:	\$122,666.00	1st Installment: Paid
Market Value Personal:	\$0.00	2nd Installment: Due
		Payment Status: CURRENT
<b>Market Value Total:</b>	<b>\$189,591.00</b>	



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### EXHIBIT "5" continued

### Property Tax and Assessment Information

Owners: JOHNSON, JOSEPH N  
 Owners Address: 2725 ALI CIR  
 CASPER WY 826090000  
 Parcel Number: 33791421503800  
 Property Address: 2725 ALI CIR  
 Legal Description: WINDSOR HTS LOT 7  
 Building ID: 1  
 Class: Residential

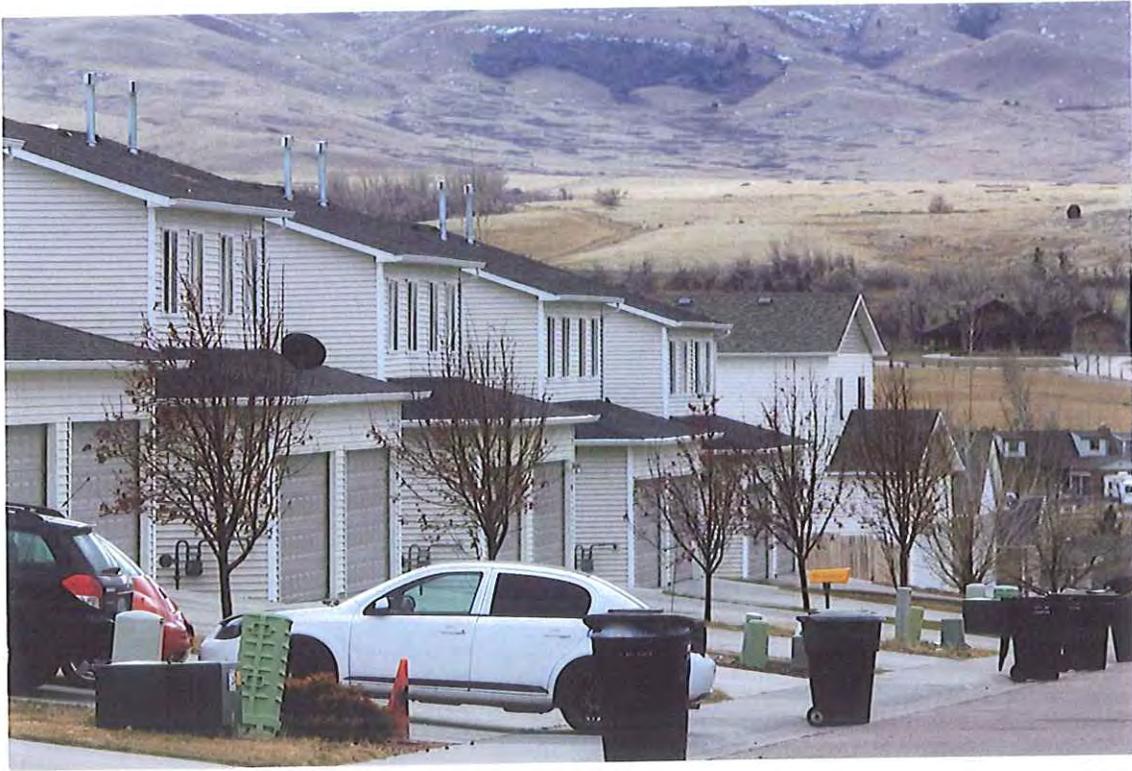
ASSESSOR INFORMATION		TREASURER INFORMATION	
Account Number:	R0021484	Bill Number:	21999
Land Size Square Feet:	6964	General Tax:	\$1,116.67
Living Area Square Feet:	1197	Special Purpose1:	\$0.00
Land Size Acres:	0.16	Special Purpose2:	\$0.00
Year Built:	2007	Special Purpose3:	\$0.00
Description:	2 Story		
		<b>Total Tax:</b>	<b>\$1,116.67</b>
Market Value Land:	\$38,302.00	<b>2014 PAYMENTS:</b>	
Market Value Building:	\$122,959.00	1st Installment:	Paid
Market Value Personal:	\$0.00	2nd Installment:	<b>Due</b>
		Payment Status:	CURRENT
<b>Market Value Total:</b>	<b>\$161,261.00</b>		

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EXHIBIT "6"



Apartments / Townhomes



Transitional Single Family  
Residence

EXHIBIT "6" continued



Transitional Single  
Family Residence.



High End Home on River

EXHIBIT "7"



← Rustic Ridge

Greenway Park PUD



→ Rustic Ridge

EXHIBIT "7" continued

Rustic Ridge



Greenway Park PUD



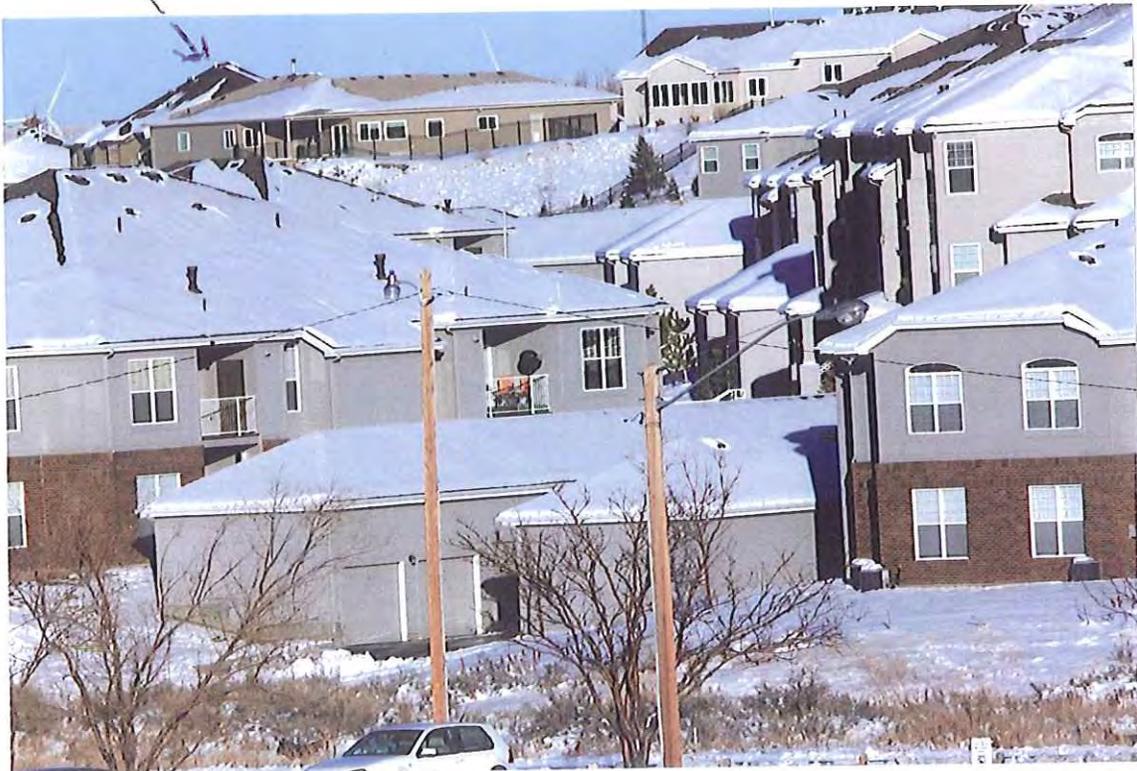
Greenway Park PUD

EXHIBIT "7" continued



Greenway Park PUD

Rustic Pines



GREENWAY 58 PARK PUD

JAN 20 2015

WILLIAM N. HEISS  
P.O. Box 2944  
Casper, WY 82602  
307-237-9322

January 17, 2014

City of Casper Planning and Zoning  
200 North David Street, Room 205  
Casper, WY 82601

RE: PLN-14-067-R and PLN-14-068-S

Dear Sir or Madam:

I have recently spoken to Wallace Trembath, in the City Attorney's Office, regarding the notice requirements for alterations to a final development plan for a planned unit development. With regard to the Greenway Park PUD, there have been two alterations of that development plan. One alteration occurred in 2009 and the second in 2012. Mr. Trembath informed me that the alterations were not considered by the Planning and Zoning Commission or by the City Council, and no notice was provided to the owners adjoining the PUD, because the alterations did not result in a change in the total density for the PUD.

However, this does not correctly interpret the city regulations. Section 17.52.130 provides

- A. The final development plan, as passed by the council, shall not be altered during the construction of the planned unit development, except as set forth in this section.
  1. Minor alterations in locations, setting, alignments, bulk of structures, placement or types of plant material, changes in grades, heights, or character of structures, or other similar alterations may be authorized by the planning director, if required by circumstances not reasonably foreseeable at the time the final development plan was approved.
  2. All other alterations in the use, intent, rearrangement of lots, realignment of major circulation patterns, density levels, provisions governing common or open space, or the ratio thereof, including infrastructure design standards, or any other alterations that, in the discretion of the community development director and the city engineer, substantially change the planned unit

development must be approved by the commission and passed by the council at public meetings for which public notice is given. The same type and quality of data shall be required as was necessary for the original final approval and passage. (emphasis supplied).

It appears that the City of Casper and the Planning and Zoning Commission have not properly construed this regulation with regard to the Greenway Park PUD. The regulation clearly only applies to Planned Unit Developments as it is contained in Chapter 17.52 governing PUDs. Using the interpretation used by the city as explained by Mr. Trembath, the only density level of concern is that of the entire PUD. That is, the city has taken the position that if the total density level of the PUD remains unchanged, even if the density level within different phases is changed, no notice is necessary, and the alterations can be made without review by the commission and city council.

The language of the code clearly shows the error in this interpretation. Section 2 requires notice to adjoining landowners when alterations in the density levels are being considered. If, as the city maintains, only the total density level is of concern, there would be one, and only one, density level of importance for PUDs. However, Section 2 requires notice and consideration by the commission and city council when the density levels of the PUD are altered. The language of the code clearly contemplates more than one density level with regard to a PUD. If more than one density level is referenced with regard to a PUD, it must refer to the density levels in different phases of the PUD. There is no other explanation for the use of the plural "density levels" in this regulation other than a reference to the density levels within different phases of the PUD.

Consider for example that if after Phase 1 of the Greenway Park PUD, the developer asked to "borrow" all of the density from Phases 2 and 3 and use it in Phase 4 for high density apartments in the area adjoining Rustic Ridge and Rustic Pines. Under the city's interpretation, no notice to the adjoining property owners in Rustic Ridge or Rustic Pines would have been necessary since the total density of the PUD remained unchanged and the Planning and Zoning Department could have approved such alteration without a hearing by the commission and city council. Yet the action would have allowed placement of high density development directly adjoining a single family residence area, with no notice to the adjoining single family home owners and no consideration of the matter by the commission or city council. No court would allow such action and neither should the city.

Correctly applied, this ordinance requires that, when the density level in any of the PUD phases is altered, notice to adjoining property owners is required and such changes must be "approved by the commission and passed by the council at public meetings". By the city's own admission, for the first two alterations of density levels of phases in the Greenway Park PUD, notice was not given, and the alterations were not approved by the

commission and council. Because the density of the Greenway Park PUD has already been considerably increased from the original plan without proper notice to adjoining landowners and without commission and council consideration, the Commission should not now allow a further increase in the total PUD density. The Planning and Zoning department and Commission would also be well advised to follow the requirements of Section 17.52.130.A.2 in any future requests to alter density levels anywhere within a Planned Unit Development.

Sincerely yours,

  
William N. Heiss

Xc: Wallace Trembath  
Bill Luben

**JAN 22 2015**

**Deborah Lynn Jelinek**

**1948 Rustic Circle**

**Casper, Wyoming 82609**

**January 20, 2014**

**John C. Patterson, City Manager**

**Charlie Powell, Mayor**

**Craig Collins, Planning & Zoning Commission**

**City of Casper**

**200 North David Street, Room 205**

**Casper, Wyoming 82601**

**Re: Greenway Park Development PLN-14-067-R and PLN-14-068-S**

**Dear City Manager, Mayor Powell and City Planner:**

**Thank you for allowing me the opportunity to address my concerns regarding the changes that have been submitted to you, involving continued expansion of a nearby development in our eastside community.**

**To allow you a bit of my personal history, my name is Deborah Lynn Jelinek, I reside at 1948 Rustic Circle in Casper, Wyoming. I have owned my current home since October 1992. I or my family have been associated with the Rustic Ridge neighborhood since 1984.**

**I am perhaps one of the few area homeowners that is available to speak to you regarding a meeting that took place several years ago between the Rustic Ridge Homeowners Association and the developer that represented The Berland Development Group. Many people that attended that meeting have sold their home and moved, are deceased or are otherwise unavailable to speak to you regarding some of the details of what was said at that meeting.**

The meeting was held at a office within the borders of Rustic Ridge. As homeowners, we were notified by the then current association board, that the new owner/developer of the vacant land to the west of Rustic Ridge wished to meet with property owners .

We met with a representative of The Berland Development Group. A gentleman named John Neilsen, who I believe was a partner and associated with the planned residential development that we learned was to be called The Preserve at Greenway Park. In that meeting Mr. Neilsen described to our homeowners the planned use of the acreage to the west of Rustic Ridge. We were told at that time there would be a mixture of rental and owner/occupied residential properties. That there would be a blend of multi family units bordering Missouri Drive, additional duplex and townhome style units to be constructed in the central section of the area and gradually progressing to single family homes nearer to the western property line of Rustic Ridge.

Development within any city can be a positive. Obviously, Casper has seen their fair share of growth these past years. In his presentation, we were repeatedly told by Mr. Neilson, that it was the intent of his partnership to plan a development that would in no way interfere with the ownership of Rustic Ridge nor to distract from the comfort and enjoyment of our individually owned properties.

He went onto assure us that The Berland Development Group was committed to construct single family, owner occupied housing along their most "eastern border". He assured all in attendance, the developers planned a continuation of what was currently located within the borders of Rustic Ridge. He went on to say, that because the properties would be "owned by" their residents, the same pride would be shown in as what was currently in Rustic Ridge. That it was their desire, as the developers to provide homes built with the same quality and custom built caliber of the homes within Rustic Ridge and those planned for the future in the Rustic Pines community.

During that meeting the homeowners were encouraged to listen and cooperate with what was being presented as a win/win for our community. We were assured that the intent of the developers was to enhance the western border of the two adjoining housing communities and in no way would do anything to interfere or to detract from the enjoyment of existing homes.

Mr. Neilsen provided images and described single family dwellings, using the term "McMansions" describing what was planned for our neighbor to the west. Coining the phrase to mean "upper scale" quality built homes that would show pride in construction and ownership. We were encouraged by standing board members that Mr. Neilsen and his partners had a long standing positive reputation and it would be a "positive move for the Casper community" Mr. Neilsen assured those in attendance that they would construct a development that would be a asset to the surrounding area, and would serve as a positive economic impact on the adjoining neighborhood.

As of today's date, Mr. Neilsen is no longer associated with The Berland Development Group. Many of the proposals that were presented at this meeting have been allowed to be altered. At a recent meeting held with Mr. Berland and his current associates, we were informed by Mr. Berland, that Mr. Berland "develops" apartment complexes.....that's what he does.

My concern is what was told to the homeowners at our initial meeting. My concern is what was promised to the homeowners at the initial meeting. We have NOT been made aware of any changes Mr. Berland saw fit to make thus far in the previous phases of the development, because we fell outside the required official notification border. My concern is certain assurances that were made to homeowners in my neighborhood, and are not being kept. What was the need to hold the original meeting with the homeowners if there was no intention of carrying through what was promised? My concern is what we were told, and what changes that have now been requested of the Planning and Zoning Commission are two entirely different things.

From what I understand, Mr. Berland has no intention of developing owner occupied residences within his community. From that I understand, Mr. Berland and his associates current request also calls for a greatly reduced, if any, single family homes. From my interpretation of what Mr. Berland is proposing is a apartment complex, because THAT is what he does.

I, and the vast majority of our immediate neighborhood overwhelmingly disapprove of the proposed changes in the Berland development and we greatly appreciate the opportunity for our concerns to be heard and hopefully addressed.

I, personally would like to thank the members of the Planning and Zoning Commission and the members of the City Council for the opportunity to present my concerns to this committee. I sincerely hope that you are able to look into this matter from my viewpoint and clearly understand our neighbors concerns.

Sincerely yours,

A handwritten signature in blue ink that reads "Deborah L. Jelinek". The signature is written in a cursive, flowing style.

Deborah Lynn Jelinek

1948 Rustic Circle

Casper, Wyoming 82609

## CITY OF CASPER PUBLIC HEARING INFORMATION:

You, as a property owner/resident within a 300-foot radius of the perimeter of the subject property, are hereby notified of this public hearing. You may submit written comments to the Community Development Department, 200 N David, Rm 205, Casper, WY, 82601 or via email at [dhardy@cityofcasperwy.com](mailto:dhardy@cityofcasperwy.com) prior to the Planning and Zoning Commission meeting. All comments should be received by **January 22, 2015** to be included in the Planning and Zoning Commission's packet of information that they receive prior to the public hearing. You may also attend the public hearing (listed on front of card) and present written and/or oral comments at that time. Depending on the number of people wishing to speak, the Chairman may limit the time you have in which to make your presentation.

**PLN-14-067-R** – (Continued  
 from November 25, 2014)  
 Petition to vacate and replat all of Lots 16 – 32, inclusive, Tract H and portions of Tract G and Yosemite Parkway, Cloud Peak Lane, Greenway Park II, to create Greenway Park III, comprising 18.569-acres, more or less, generally located north of East 21<sup>st</sup> and east of South Missouri Streets. Applicant:  
 Haystack Properties, LLC.

Application Location:

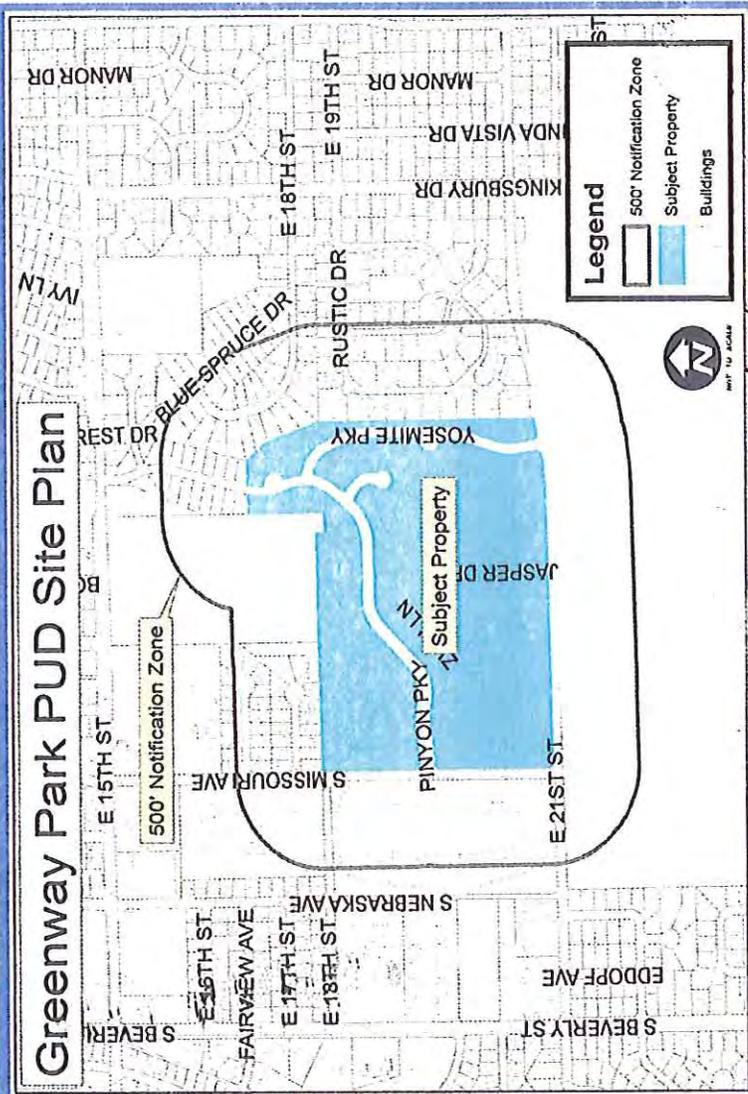


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**PLN-14-068-S** - (Continued from November 25, 2014) Planned Unit Development (PUD) site plan amend the Greenway Park PUD (also known as "The Preserve"), for all of Lots 16-32, inclusive, tract H and portions of tract G and Yosemite Parkway, Greenway Park II Addition, thereby creating Phase III, "The Enclave at Greenway Park." Said amendment to the PUD proposes to increase the allowable site density from a maximum of 450 dwelling units to a maximum of 530 dwelling units, and is reconfiguring the overall site and street layout. The Greenway Park PUD is generally located north of East 21<sup>st</sup> Street and east of South Missouri Avenue. Applicant: Haystack Properties, LLC.

Application Location:





January 9, 2015

Mr. John Patterson, City Manager  
Mr. Craig Collins, City Planner  
Members of the Planning & Zoning Commission  
Mr. Charles Powell, Mayor  
Members of the City Council  
200 North David  
Casper, Wy 82601

Re: Proposed PUD Amendment PLN-14-067-R; PLN-14-068-S  
The Preserve

Ladies and Gentlemen:

I have been the Broker and President of Equity Brokers for 40 years. I am also a developer and a home builder. I am an advocate of business in Casper and have seldom been in opposition to development projects as I generally believe growth is beneficial.

I oppose the proposal for *another* increase in density in the Preserve at Missouri and 21<sup>st</sup> Street.

#### **Background**

I brokered the transactions in 2007 wherein Haystack Properties acquired the subject property. The managing partner for Haystack was Mr. John Nielson; the land planner was Mr. David Clinger; the engineering firm was WLC of Casper. There were numerous other firms engaged to perform due diligence on the property prior to closing.

In anticipation of opposition to the project from Rustic Ridge, I arranged a meeting between Mr. Nielson and the homeowners. David Clinger, the land planner, presented the conceptual plan for mixed use and explained the project to the homeowners. A copy of that conceptual plan is attached as Exhibit "A".

The proposal included a mixture of ownership types and home types with high density rental apartments in the southwest corner, at the far end of the tract from the single family neighborhoods and proximate to existing multi-family use of Foxhill and Casper Village. To the north of the rental apartments units but still along Missouri and along the north boundary of the parcel were to be mansion homes—essentially owner-occupied condominiums, 3 units in each of the buildings with attached garage parking--designed to look like large, higher-end single family homes. The intent of the planner was to create an attractive streetscape from 15<sup>th</sup> and from Missouri. He proposed owner-occupied

townhomes to the east of the apartments and east of mansion homes with an area of single family residences buffering the higher densities from Rustic Ridge and Rustic Pines. *The approximate mix of owner occupied to rental units was 45% to 55%*

The following data was represented to the Rustic Ridge home owners at this meeting:

SFD	Town Hm	Mansion Homes	Apts	Total	Density
30	62	75	208	375	6.4

This original Mixed Use seemed an excellent alternative for the neighborhood. While not the preferred choice of Rustic Ridge owners who preferred open space and/or R1 use, the mixed use was a good alternative of transition between high density area of Fox Hill and Casper Village and Rustic Ridge, bounded by collector street 15<sup>th</sup> St. and planned collector 21<sup>st</sup> St.

#### Additional Timeline

Please refer to Exhibit B

9/13/07 The Preliminary Site Plan was modified, ramping up the density from what had been proposed to the neighbors. The proposed change included lowering the number of Mansion Homes (owner occupied units) by 39, increasing the apartments by 72, increasing the total number of units by 33 and the DU/ac by .6.

In a letter dated Sept 13, 2007, April Getchius stated to Mr. Clinger "11. In the PUD guidelines, you note that replats would be administratively approved. These will, unfortunately, require City Council approval."

12/07 Council approved the PUD in this configuration.

1/08 Immediately, a proposal was made to increase density. Mansion homes along Missouri were changed to apartments, increasing the apartment count by 20 to 300. The increase was apparently approved administratively<sup>1</sup>

4/09 Vacated and replatted to "final" design.

5/09 Don Berland reported to me that he has preliminary plat approved for original 208 apartments plus 120 for a total of 328 apartments, 450 units in the project

12/14 Current proposal for increase in density. Increase apartments by 175 from 328 to 503; increase overall units from 450 to 530

<sup>1</sup>Please note: dates and minor details may vary; my comments are based on documents in my file and it is entirely possible I did not receive all documents

City staff has explained to me that the developer was able to obtain density increases administratively by reallocating density from other areas of the plat. In "borrowing"

density earlier, the remaining areas should, in fact, be required to have a lower density, not higher. That is really the nut of the debate in this proposal.

Fully realizing concepts change and PUD's can be revised, this proposal obliterates the original representation that was clearly made to the neighbors—I was there. And they were not notified of subsequent changes past plat approval.

### **Yosemite Parkway**

Yosemite Parkway has been reinserted in the latest proposal; however it is included in Phase 4 and is apparently not being considered in the current application. Without making any comment on whether Yosemite is vital to the project traffic, in my opinion if it is not a requirement of this approval it, in all likelihood, will never be built.

Mr. Berland, according to his own statements, is an apartment developer and will (probably) not build single family homes. He will sell off the lots and street development—or apply for an additional change of use.

- Having just built the section of Pinyon Parkway from 15<sup>th</sup> into Rustic Pines III, the cost of the street construction *at today's cost*, could not be supported by a single-loaded street.
- Foundations on these soils will probably require substantial over-excavation if not piers.
- With the grade and depth of the lots as proposed on the topo, 3+ feet of imported backfill will be required to establish a building pad for a walk-out basement, more for a daylight basement.
- The depth of the lot with 25 ft front and 10 ft rear setbacks will yield a minimum back yard looking directly at a 35 ft tall apartment building.
- Combining the street cost and lot excavation cost, lot prices would have to be in excess of \$70,000, requiring a house price around \$400,000.
- Sales of such homes on these lots will be very difficult. ( If I were showing you sites for new home construction in the \$400's would you opt for a site with no rear view except that of an apartment building 30+- feet away?)
- Lesser price/quality homes for which a buyer might accept the logistics of the site won't work at the probable lot cost.
- If development is infeasible and sales are difficult, the street won't go in. Simple economics.

While the salability of these proposed SFD lots is not the City's concern, probability of construction of the connector street is.

### Apartment Study

While density in the Preserve is the issue in this discussion, density in the surrounding area should be reviewed. Please refer to Exhibit C for a summary of multi-family units in the proximate area of 15<sup>th</sup> to 21<sup>st</sup>, Beverly to Yosemite.

### Area Traffic

An updated traffic study has been completed which shows no warrants for signalization. However, the increase in density without a doubt has and will affect trip generation in the area. I have referred to information from the Institute of Transportation Engineers Trip Generation, 8<sup>th</sup> Edition, to understand what trips generated by only the multi-family units in the area could be

#### The Preserve:

Current:	328 apartment units (ITE generated @ 6.72)	2,204 daily trips 804,518 annual trips
Requested	174 additional apartment units @ 6.72	1,169 daily trips 426,787 annual trips
Proximate area multi-family units	1371 units @ 6.72	9,213 daily trips 3,362,789 annual trips

#### Other Thoughts:

- The Planned Unit Development Narrative and Guidelines for Greenway Park, I. Project Overview and Intent states “The *mix of multi-family buildings, mansion homes, townhomes* (emphasis added) and single family detached units will provide the City of Casper with a vibrant residential area that is needed. . .”
- Narrative V. “Townhomes will have 2 to 6 units per building and will be a transition between the MFII and MultiFamily parcel and the SFD Parcel.”
- Narrative VI.a. Land Use Designations and Descriptions. SFD “semi-custom homes that will match the proposed development as well as the existing homes to the east, 4) *offer spectacular view to the south and southwest.*” (emphasis added)
- Narrative VI .c. Public Access Easements/Drives. “Parallel parking will not be allowed on these Public access Easements/Drives. Parking will only be allowed in the perpendicular parking stalls, covered parking areas, driveway aprons and garages
- I believe this area to be the highest concentration of multi-family units in Casper
- I have never been opposed to this project; I would not have gotten paid for 2 years of work had it failed to pass, and I believed the multi-use design offered exciting and much needed housing options to Casper.
- The homeowners in Rustic Pines and Rustic Ridge are primarily business people and community leaders who have been part of the economic engine of this town for years. They are NOT chronic naysayers when it comes to things that are positive for Casper.
- I designed and have executed my adjacent development based partly on the original design of the Preserve. Nicer homes are more compatible with adjacent

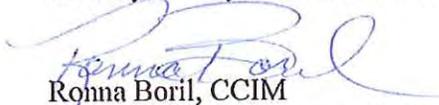
SFD. But being bordered directly by high density will absolutely deter sales. It is hard to pinpoint specific loss of value but it will deter sales. Period.

**Summary**

The goal of the original mixed use design was to create an attractive *neighborhood* providing needed *variety* of home types to the Casper market. Sadly, this goal has been obliterated in favor of cramming as many apartment units onto the property as can be made to happen. It's an antpile. Enough. While the project may meet the technical punchlist for approval, the developer has violated the spirit of the project and has broken good faith with the neighbors.

I am requesting two things. First, the developer, in reallocating or "borrowing" density earlier, effectively agreed to a lower density on the parcels remaining in the project. I ask that the Council hold him to that and hold the project to the current density. Secondly, I ask that, should this proposal receive a "do pass" recommendation from P&Z, that it be pulled off the Consent Agenda and opened for public debate.

Thank you for your consideration.



Rhona Boril, CCIM  
Equity Brokers, Inc., President  
Decade, Inc., President  
Thirteen Company, Inc., President

145 S. Durbin, Ste 107  
Casper, Wy 82601  
307.237.5757  
rboril@casperforsale.com

**Schedule of Exhibits**

- A. Conceptual plan for a mixed use development presented to HOA of Rustic Ridge
- B. Timeline of project modifications
- C. Multi-family apartment/townhouse count



EXHIBIT B" TIMELINE OF MODIFICATIONS

Date	Item	Acres	MF III			MF I			MF II			Chg over previous proposal	Density
			SFD	Max Ht	Town Hm	Max Ht	Homes	Max Ht	Apts	Max Ht	Total		
8/1/2007	Promoted as a mixed use concept with a balance of owned and rented units. Mansion homes facing 15th. I feel bad because I	58.6	30	35	63	75	208		376			6.4	
9/14/2007	Clinger prelim site plan	58.6	30	35	63	36	280	45	409	+33		7.0	
1/7/2008	Plat revision	58.73	30	35	63	36	300	45	429	+20		7.6	
4/19/2009	Revision increasing density	58.73	32		51	39	328		450	+21		7.7	
12/18/2014	PLN-14-068-S PUD Amendment	58.73	27		0	0	503		530	+80		9.1	

Exhibit C

Area Multifamily

	Ttl Units	Studio	1 Bd	2 Bd	3 Bd
Casper Village	188			94	94
Foxhill	304	5			184
Prairie Sage	64	34		30	
Eastward Court	20				20
Sage Creek	72			24	48
Beverly various	64				
Nebraska & 15th	23				
Pennsylvania	34				
Missouri & 15th	20				
15th	15				
Fairdale	20				
Farnum	25				
Primrose TH	20				
Preserve Current	328				
Preserve Requested	174				
<b>Total proximate multi family units</b>	<b>1371</b>				

	Vehicle Multipli	Vehicle Trips/d	Vehicle Trips/yr
	6.72	2,204	804,518
	6.72	1,169	426,787
	6.72	9,213	3,362,789

## Dee Ann Hardy

---

**From:** Renee Radman <radmanrenee@msn.com>  
**Sent:** Wednesday, November 19, 2014 3:05 PM  
**To:** Dee Ann Hardy  
**Cc:** haney@wyomingcda.com  
**Subject:** PLN-14-067-R

NOV 19 2014

November 19, 2014

Dear Planning and Zoning Commission,

I live in the Rustic Ridge neighborhood. After hearing of the proposed changes in PLN-14-067-R I have some concerns. When the development was approved, the residents of Rustic Ridge were appeased by the final agreement. It is unfortunate that the agreement is now coming back for reconsideration.

Please have sufficient Public hearings to fully present the new plans and for the surrounding communities to fully have a say regarding the changes.

I am not in Casper at the moment, but I fully support David and Madeline Haney's opinion of the proposed plans--"We recommend that the originally approved single-family configuration remain and be executed as promised."

It is my hope that the Planning and Zoning commission will stand by and **honor** the agreement that is currently in place. It is sad that we cannot trust that agreements will be honored. It is also unfortunate that developers agree to plans knowing they can be changed fairly easily in the future, so why not appease the neighbors in the beginning. No wonder American have become such cynics.

Respectfully,

Renee Radman  
1937 Rustic Dr.  
Casper, WY

JAN 19 2015

To: City of Casper, Planning and Zoning Commission  
Casper City Hall  
200 N David, Rm 205  
Casper, WY 82601

Date: January 19, 2015

Subject: PLN-14-067-R and PLN-14-068-S

Dear Planning Commission,

As a resident of Rustic Ridge, I am writing to fully support the positions stated very clearly by David and Madeline Haney as well as Bill and Susan Heiss. It would be pointless to restate what they have so clearly written.

As I stated in my correspondence, via e-mail, dated November 19, 2014: When the development was approved, the residents of Rustic Ridge were appeased by the final agreement. It is unfortunate that the agreement is now coming back for reconsideration. It is my hope that the Planning and Zoning commission will stand by and **honor** the agreement that is currently in place. It is sad that we cannot trust that agreements will be honored. No wonder Americans have become such cynics.

As a side note, having spoken with a current resident of the Apartments in the Greenway Park area, it was stated that there is insufficient parking which is creating a nightmare for the residents. Future planning should take the insufficient parking into consideration. No developer of repute would be so negligent.

I look forward to my confidence in the Planning and Zoning Commission being restored as you vote to maintain the original agreement, thus allowing the developer to proceed as previously planned as long as there is sufficient parking provided.

Thank you for your consideration,



Renee Radman  
1937 Rustic Dr.  
Casper, WY 82609

## Dee Ann Hardy

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**From:** Craig Collins  
**Sent:** Tuesday, December 16, 2014 3:41 PM  
**To:** Liz Becher; Aaron Kloke; Dee Ann Hardy; Constance Lake  
**Subject:** FW: Greenway Park Update

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**From:** Doug Richardson [mailto:terryri@tribcsp.com]  
**Sent:** Tuesday, December 16, 2014 3:17 PM  
**To:** 'David Haney'; John Patterson; Craig Collins; Kenyne Schlager; Stephen Cathey; 'Paul Bertoglio, Councilmember'; 'Bill Stoval'; 'Tom Scarlett'; 'Pat Dixon'; Pdixn@aol.com; 'Debbie Jelinek'; 'Jan Hawks'; 'McKinzey'; rboril@casperforsale.com; 'Susan Thomas'; riverdancer@bresnan.net; 'Mark Zaback'; alexefimoff@bresnan.net; 'Kris Beevers'; 'jim griffin'; jalex32674@aol.com; 'Nick Wendland'; 'Stuart Day'; 'Don Baker'; brn26@aol.com; schad@bresnan.net; lculver52@msn.com; mgranum@yahoo.com; berniel18@bresnan.net; mjo1944@msn.com; dickrin@bresnan.net; pjrobbins@bresnan.net; ssarvey@bresnan.net; oldsteamboat@msn.com; dstubson@bresnan.net; bobwyo31@gmail.com; khwright31@gmail.com; kkzaback@bresnan.net; rabaugh@gmail.com; 'Karen Apostolos'; 'Ed and Joyce Bratt'; 'Donna Freemole'; 'Marina Sy'; 'Norma Wall'; 'Renee Radman'; 'Allan Fraser'; eric.eckelberg@att.net; Robin Mundell; Bob Hopkins; Daniel Sandoval; Steve Johnson; Craig Hedquist; Ray Pacheco; Charlie Powell; Grantalg@msn.com  
**Cc:** 'madeline haney'  
**Subject:** RE: Greenway Park Update

I am fine with this new PUD proposal. The road is in the same place as it was in the initial 2008 PUD and we have single family home next to us. **HOWEVER, before I will agree to it, the developer must be willing to sign a legally binding agreement. This agreement should state that the single family home lots as shown can only be developed as single family homes less than 36' in height. In addition, the agreement should state that the lots cannot be altered in any way that would move them closer to our property line and that the green space as shown not be changed or removed. It should also be binding on all heirs, assigns, etc.** If he is not willing to sign such a document, that tells me in a few years he will be back requesting that he be allowed to build multifamily units on those lots. I think this is especially important given that he stated that he only builds apartments. Although not a deal breaker, I would also request that the proposed road that runs next to our property not be built until the single family homes are developed.

Doug and Terry Richardson

**From:** David Haney [mailto:haney@wyomingcda.com]  
**Sent:** Tuesday, December 16, 2014 8:36 AM  
**To:** David Haney; John Patterson; Craig Collins; Kenyne Schlager; Steve Cathey; Paul Bertoglio, Councilmember; Bill Stoval; Tom Scarlett; Pat Dixon; Pdixn@aol.com; Debbie Jelinek; Jan Hawks; Terry & Doug Richardson; McKinzey; rboril@casperforsale.com; Susan Thomas (susanrt99@bresnan.net); riverdancer@bresnan.net; Mark Zaback; alexefimoff@bresnan.net; Kris Beevers; jim griffin; <jalex32674@aol.com>; 'Nick Wendland'; Stuart Day; Don Baker; brn26@aol.com; schad@bresnan.net; lculver52@msn.com; mgranum@yahoo.com; berniel18@bresnan.net; mjo1944@msn.com; dickrin@bresnan.net; pjrobbins@bresnan.net; ssarvey@bresnan.net; oldsteamboat@msn.com; dstubson@bresnan.net; bobwyo31@gmail.com; khwright31@gmail.com; kkzaback@bresnan.net; rabaugh@gmail.com; Karen Apostolos; Ed and Joyce Bratt; Donna Freemole; Marina Sy; Norma Wall; Renee Radman; Allan Fraser; eric.eckelberg@att.net; rmundell@cityofcasperwy.com; bhopkins@cityofcasperwy.com; dsandoval@cityofcasperwy.com; sjohnson@cityofcasperwy.com; chedquist@cityofcasperwy.com; rpacheco@cityofcasperwy.com; cpowell@cityofcasperwy.com; Grantalg@msn.com  
**Cc:** madeline haney  
**Subject:** Greenway Park Update

Fellow Rustic Ridge Homeowners:

The developer of Greenway Park, Don Breland, provided a revised preliminary plat of his changes to Bill Stovall and the City. Those changes include preserving the single-family homeownership lots immediately to the West of our subdivision. He did however absorb additional single-family ownership lots on the north end in order to accommodate additional density. What is now being proposed is 13 buildings of 10 to 12 unit apartment buildings not dissimilar to what already exists. While there are the single-family ownership lots as a buffer, it is not anywhere close to what was proposed originally. The single family development now designated as Phase 4 is likely to be revised again down the road if this is approved.

In our investigations with the City, we found that the City had approved two increases in density without providing any notice to us because we were not within the 300 foot radius required under law. We think that had we been notified of those changes in density, we as homeowners would have objected long before now. The original proposal called for buffers of building types and a differential in homeownership versus rental that was significantly different than what we are faced with today as well as much less density.

The actual public hearing for Planning and Zoning is January 27 at 6:00 PM. Written comments should be sent to Craig Collins ([ccollins@cityofcasperwy.com](mailto:ccollins@cityofcasperwy.com)) by no later than January 20. Assuming Planning and Zoning approves the request, there will be a subsequent opportunity for input directly to the City Council at a date yet to be determined. It is very likely that it will be that subsequent meeting of the Council. We will have an opportunity to truly impact the decision based on the original approval with significant buffers of both density and homeownership versus rental.

As always, Madeline and I are more than available to answer questions or provide guidance with regard to your written communications. It is very important that we all speak up and have a physical presence at the various meetings to demonstrate our sincerity and solidarity.

We are attaching our most recent communication to the City, including all of the new city council members. We think it is very important that you include both the city manager and the new members in whatever communications you send. We think it is particularly important for those residents who may not be in Casper for the winter to participate as vocally and as demonstrably as you can. Should you do so electronically, feel free to cut and paste the electronic addresses from our email. Should you want to reduce your thoughts to a letter, it should be submitted to the Community Development Department, 200 North David St., Room 205, Casper, Wyoming, 82601. If you have questions for the city. Please call them at 307 – 235 – 8241 and ask for Craig Collins.

Also attached is a copy of the "temporary proposed changes" provided by the developer to Bill Stovall and the City.

Dave

## **DAVID HANEY**

Executive Director  
Wyoming Community Development Authority  
155 N. Beech Street  
P.O. Box 634  
Casper, WY 82602  
P: (307) 265-0603 F: (307) 266-5414  
[www.wyomingcda.com](http://www.wyomingcda.com)



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## Dee Ann Hardy

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**From:** Craig Collins  
**Sent:** Monday, January 19, 2015 8:12 AM  
**To:** Dee Ann Hardy; Aaron Kloke; Liz Becher  
**Cc:** Don Berland  
**Subject:** FW: The Enclave Reconfiguration

JAN 19 2015

Dee:

For files please.....

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**From:** [ssarvey@bresnan.net](mailto:ssarvey@bresnan.net) [mailto:[ssarvey@bresnan.net](mailto:ssarvey@bresnan.net)]  
**Sent:** Saturday, January 17, 2015 10:57 AM  
**To:** Craig Collins  
**Cc:** John Patterson  
**Subject:** The Enclave Reconfiguration

We are writing to you as city representatives to ask you to deny the request by the developer of the Enclave to reconfigure the plan for apartments in the Sage Creek drainage between 15th and 21st streets and adjacent to the Rustic Ridge subdivision. We are residents of Rustic Ridge and are now aware that the original plan which was agreed upon between the HOA Board and the developer is in jeopardy.

We are concerned that there was no notification of the change even though the buffer which was to be owned single family homes and town homes between an established neighborhood of owned homes now faces high density, multistory apartments "right across the fence". In addition, the city's plan of gradual change from single family to high density residences is being ignored. In our opinion it is not only an agreed upon decision by Planning and Zoning and city government but in general it makes for a city that is developed in harmony not haste or expediency.

The fact that the HOA was not notified because the distance is greater than 300 feet between the two types of development is a technicality that ignores what a sensible person who views the situation from 15th or 21st street can see is a difficult fit. Part of the 300 feet is a slope descending at at least a 45 degree angle from the fence of Rustic Ridge. Please view the area in person and consult the reconfiguration plan to see for yourself .

Thank You, Mike and Sally Sarvey, 2012 Rustic Drive

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All City of Casper e-mails and attachments are public records under the Wyoming Public Records Act, W.S. § 16-4-201 *et seq.*, and are subject to public disclosure pursuant to this Act.

January 23, 2015

MEMO TO: Members, Planning and Zoning Commission

FROM: Liz Becher, Community Development Director  
Craig Collins, AICP, City Planner  
Aaron Kloke, Planner I

SUBJECT: **PLN-15-001-RZ** – Petition to vacate and replat all of Sunrise Hills No. 3, with portions of Sunrise Hills No. 9, Sunrise Hills Addition No. 12, Garden Creek Hills Patio Homes No. 1, and Tract A, and Harmony Hills No. 1, to create Harmony Hills Addition No. 2, comprising 106.16-acres, more or less, generally located at the southeast intersection of South Poplar Street and SE Wyoming Boulevard; and rezoning of said property from PUD (Planned Unit Development) and C-2 (General Business) to R-2 (One Unit Residential) and PUD (Planned Unit Development). Applicant: High Plains Investments, LLC.

Recommendation on the plat:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the vacation and replat creating the Harmony Hills Addition No. 2 Addition, and forward a “do pass” recommendation to the City Council with the following conditions:

1. Per Municipal Code Section 16.16.020, the developer shall construct eight foot (8’) wide sidewalks/pedestrian pathways within the subdivision’s public access easements and must conform to standard City construction specifications. All public pedestrian access easements shall be located on adjacent lots or on appendages of larger open space tracts.
2. Public sidewalks will be required along all streets, including South Poplar Street and Wyoming Boulevard. Sidewalks along South Poplar Street and Wyoming Boulevard shall be detached and located as far from the pavement as practical. If adequate right-of-way is not available, or if the Wyoming Department of Transportation (WYDOT) does not permit sidewalks within their right-of-ways, public access easements shall be provided and the sidewalks shall be constructed to standard City specifications within said easements. Interior sidewalks may either be detached sidewalks, or curb walks with rollover curb, at the developer’s discretion.

3. Prior to the development of Block 11, a PUD (Planned Unit Development) site plan shall be submitted for Planning and Zoning Commission and City Council review and approval.
4. Curb cuts and access to Wyoming Boulevard and South Poplar Street shall be prohibited for individual lots. All lots that have frontage on either Wyoming Boulevard or South Poplar Street shall obtain access from interior streets.
5. A traffic study has been commissioned. Prior to final approval by the City Council, the traffic study shall be approved by the City Engineer, and the applicant shall agree to all necessary on or off-site traffic improvements identified as necessary by said study.
6. Prior to review by the City Council, a drainage study and grading plan shall be submitted to the City Engineer for review and approval.
7. The Walnut Street and Harmony Road water line shall be looped through the open space (Tract 2) to Goodstein Drive or into Sunrise Hills No. 5 to provide redundant utility service for the fifty-three (53) lots which have a single point of access and a single water line servicing the area.
8. The new 12-inch transmission water main traversing from Wyoming Boulevard, south to the Sunrise Hills No. 2 tanks was installed in 2012. This line shall be relocated within dedicated right of ways, at the Owner's sole expense.
9. Prior to the review by City Council, the certificate of dedication language shall explicitly dedicate all roads, streets, and utility and pedestrian access easements to the public.

Recommendation on the zone change:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the request to rezone the properties described below, as follows, and forward a "do-pass" recommendation to the City Council:

1. Tracts 2, 5, 6, 7, 8, and 10 shall be zoned R-2
2. Block 8, Lots 1 – 31 shall be zoned R-2
3. Block 9, Lots 1 – 15 shall be zoned R-2
4. Block 11, Lot 1 shall be zoned PUD

### Code Compliance:

Staff has complied with all requirements of Section 16.24 and Section 17.12.170 of the Casper Municipal Code pertaining to replats and zone changes, including notification of property owners within three hundred (300) feet by first class mail, posting of the property, and publishing legal notice in the Casper Star-Tribune. At the time the staff report was prepared, staff had not received any public comments on this case. The Commission is responsible for reviewing replats and zone changes, and providing a recommendation to the City Council to approve, approve with conditions, deny, or table the proposal.

### Summary:

High Plains Investments, LLC has applied to replat 106.16-acres to create the Harmony Hills Addition No. 2. The subject property is currently undeveloped and is zoned C-2 (General Business) and PUD (Planned Unit Development). The requested replatting comprises all of Sunrise Hills No. 3, portions of Sunrise Hills No. 9, Sunrise Hills Addition No. 12, Garden Creek Hills Patio Homes No. 1 and Tract A, and Harmony Hills No. 1 to create one hundred and seventy two (172) new lots. These lots range in size from 11.41 acres to 5,625 square feet and are intended for both commercial and residential land uses. Surrounding zoning in the area is R-1 (Residential Estate) to the east and south, and R-2 (One Unit Residential) to the southeast. Land uses in the immediate area are predominately single family residential. Open space, commercial uses, and educational land uses exist north of the subject property across SE Wyoming Blvd.

Section 16.16.020 of the Casper Municipal Code outlines block length standards for residential subdivisions. It states that blocks greater than 500 feet in length must provide pedestrian connectivity through the provision of public access easements and a pathway with a minimum paved width of eight (8) feet. Recommended condition of approval number one (1) upholds these standards to ensure the construction of said pedestrian pathways. In addition, while the applicant disagrees, staff recommends that these public access easements take place within adjacent lots or appendages of larger open space tracts rather than the creation of smaller individual tracts between lots. Recommended condition of approval number two (2) ensures the construction of detached sidewalks along South Poplar and SE Wyoming Blvd, in addition to the provision of interior sidewalks along local streets. Both South Poplar and SE Wyoming Blvd are high volume streets, and for pedestrian safety and comfort, sidewalks should be constructed as far from the streets as possible. The applicant has shown concerns that the Wyoming Department of Transportation (WYDOT) would not allow sidewalks along Wyoming Boulevard due to safety concerns. In August of 2013, the Casper Area Metropolitan Planning Organization (MPO) conducted a feasibility study, with oversight from WYDOT, for a sidepath along

the entire length of Wyoming Boulevard. The construction of detached sidewalks along Harmony Hills No. 2 would provide a logical connection for this sidepath.

High Plains Investments, LLC has requested a zone change of multiple lots currently zoned as C-2 (General Business) and PUD (Planned Unit Development). The zone change requested would change portions of land zoned as C-2 (General Business) to PUD (Planned Unit Development) and change portions of land zoned as PUD (Planned Unit Development) to R-2 (One Unit Residential). Specific zoning for individual lots is described under the recommendation section of this staff report (above), and the attached maps are illustrative of the proposed rezoning request.

Recommended condition of approval number three (3) reiterates the requirement that properties zoned PUD (Planned Unit Development) must obtain site plan approval from the Planning and Zoning Commission and the City Council prior to development. Much of the area involved in this case is already zoned PUD, however, there is no existing, approved site plan. At this time, the applicant does not have plans finalized for the development of Block 11.

Recommended condition number four (4) prevents individual lots in Harmony Hills No. 2 from accessing either Wyoming Boulevard or South Poplar Street directly. Both streets are high volume collectors/arterials, meant to move traffic at higher speeds. Access to those lot with frontage on Wyoming Boulevard and South Poplar Street shall only be permitted from the interior streets.

Recommended conditions five (5) and six (6) require the submittal and approval of a traffic study, a drainage study and a grading plan prior to City Council review. Any recommendations or requirements that are identified by those studies will be incorporated into the Subdivision Agreement which is executed between the applicant and the City Council.

Recommended conditions seven (7) and eight (8) serve to ensure utility service to the subdivision. Recommended condition seven (7) requires that the water line serving the fifty-three (53) lots on South Walnut and Harmony Road be looped, to provide redundant water service in case of a disruption of service, such as a water main break. Condition eight (8) requires the developer to relocate an existing water transmission line, at their expense. Finally, recommended condition nine (9) ensures that all easements are dedicated to the public.

The Comprehensive Land Use Plan is the planning document that describes the values and ideals expressed by the community for its future. The Plan was created in 2000 and was based on approximately two (2) years of citizen meetings and visioning intended to create a set of goals and policies regarding land use in the Casper area. Whenever a zone

change is proposed, the Planning and Zoning Commission should base its decision on whether to approve it on the criteria expressed in the Comprehensive Land Use Plan. Furthermore, Section 17.12.170 of the Casper Municipal Code specifies that staff must review zoning applications in context with the approved Comprehensive Land Use Plan, and provide a recommendation to the Planning and Zoning Commission based on whether the zoning proposal conforms to the Plan.

The Future Land Use Plan (Pg. 121 of the Casper Area Comprehensive Plan) is a map element of the Comprehensive Land Use Plan that visibly sets the City's policy regarding future zoning and land use patterns. It also provides assurance and direction to property owners and the private development sector with respect to the desired development activity of specific areas. In this case, the Future Land Use Plan element of the 2000 Casper Area Comprehensive Land Use Plan identifies this area to be appropriately developed as "general commercial", "multi-family", and "high-density single family".

The Comprehensive Land Use Plan states that areas shown in the plan as "general commercial" should be designated for retail, trade, service uses, and offices. Currently, the portion of land west and northwest of the proposed zoning changes is zoned C-2 (General Business). This zoning district is for the purpose of the development of a wide variety of commercial uses and also permits multi-family residential and single-family dwellings.

The Land Use Plan states that areas shown in the plan as "multi-family" and "high-density single family" should be designated for single family attached dwellings including duplexes and townhomes, and apartments and condominiums. The proposed R-2 (One Unit Residential) zoning district is for the purpose of the development of residential lots, which are a less intensive use of land. While the proposed R-2 (One Unit Residential) zoning of the property is not in keeping with the projected multi-family and high-density use of the property, staff supports this zone change as it will allow infill development of an otherwise vacant plot of land, and will provide a good transition from the large estate lots on the south to the commercial property to the north. In addition, the proposal still maintains a large portion of land zoned as C-2 (General Business), which does allow a wide range of residential densities including multi-family dwellings.

The former PUD (Planned Unit Development) was created without a site plan and guidelines to direct the development of the PUD area. The applicant understands that a site plan is needed along with a public hearing and approval by the Planning & Zoning Commission and the City Council to develop this land in the future.

The Comprehensive Land Use Plan establishes a list of visions, principles and goals to guide the City's land use policies and decisions. With regard to the current proposal, the

zone change to R-2 (One Unit Residential) is supported by the following visions, principles, and goals:

**Vision 1: Diverse Economy** – An expanded, more diversified, and stable local economy that continuously grows new jobs that pay a higher wage than the current average.

Principle E – Balance Housing Supply with Demands Created by Economic Growth.

Goal 7 – Provide a variety of housing types and densities offering convenient and affordable housing to meet the demands created by growth in industrial and commercial development.

**Vision 3: Compact Development** – A compact development pattern of cohesive neighborhoods and corridors.

Principle K – Direct Growth to Encourage Infill and Redevelopment.

Goal 20 – Direct future development to underutilized or vacant parcels within the developed urban area where City services and infrastructure already exists.

**Vision 4: Cohesive Residential Neighborhoods** – Stable, safe, easily-accessible, interconnected, cohesive residential neighborhoods.

Principle O – Minimize Changes to Existing Residential Neighborhoods

Goal 30 – Ensure that changes to existing residential neighborhoods are compatible in terms of use, design and scale, and that negative impacts are adequately mitigated.

The proposed R-2 (One Unit Residential) zoning district allows for the development of any and all of the following permitted uses:

1. Conventional site-built single-family dwellings and manufactured homes with siding material consisting of wood or wood products, stucco, brick, rock, or horizontal lap wood, steel or vinyl siding;
2. Day-care, adult;
3. Family child care home;
4. Parks, playgrounds, historical sites, golf courses, and other similar recreational facilities used during daylight hours;

5. Schools, public, parochial, and private elementary, junior, and senior high;
6. Neighborhood assembly uses;
7. Neighborhood grocery;
8. Group home;
9. Church.

The existing C-2 (General Business) zoning district allows for the development of any and all of the following permitted uses:

1. Animal clinics and animal treatment centers;
2. Apartments located within a business structure;
3. Arcades/amusement centers
4. Assisted living;
5. Automobile park, sales area or service center;
6. Automobile service stations;
7. Banks, savings and loans, and finance companies;
8. Bars, taverns, retail liquor stores, and cocktail lounges;
9. Bed and breakfast:
10. Bed and breakfast homestay;
11. Bed and breakfast inn;
12. Business, general retail;
13. Chapels and mortuaries;
14. Churches;
15. Clubs or lodges;
16. Convenience establishment, medium volume;
17. Dance studios;
18. Day care, adult;
19. Child care center;
20. Family child care center - zoning review;
21. Family child care home;
22. Family child care home - zoning review;
23. Electrical, television, radio repair shops;
24. Grocery stores;
25. Group homes;
26. Homes for the homeless (emergency shelters);
27. Hotels, motels;
28. Neighborhood grocery;
29. Offices, general and professional;
30. Pet shops;
31. Medical laboratories, clinics, health spas, rehabilitation centers, real estate brokers, insurance agents;
32. Parking garages and/or lots;

33. Parks, playgrounds, historical sites, golf courses, and other similar recreational facilities;
34. Pawn shops;
35. Personal service shops;
36. Pharmacies;
37. Printing and newspaper houses;
38. Reception centers;
39. Recreation centers;
40. Restaurants, cafes, and coffee shops;
41. Retail business;
42. Sundry shops and specialty shops;
43. Theaters, auditoriums, and other places of indoor assembly;
44. Thrift shops;
45. Vocational centers, medical and professional institutions;
46. Neighborhood assembly uses;
47. Regional assembly uses;
48. Branch community facilities;
49. Neighborhood grocery;
50. Conventional site-built and modular single and multi-family dwellings, and manufactured homes.

This proposed replat and rezoning meets all the requirements of the Casper Municipal Code, therefore staff is recommending in favor of its approval.

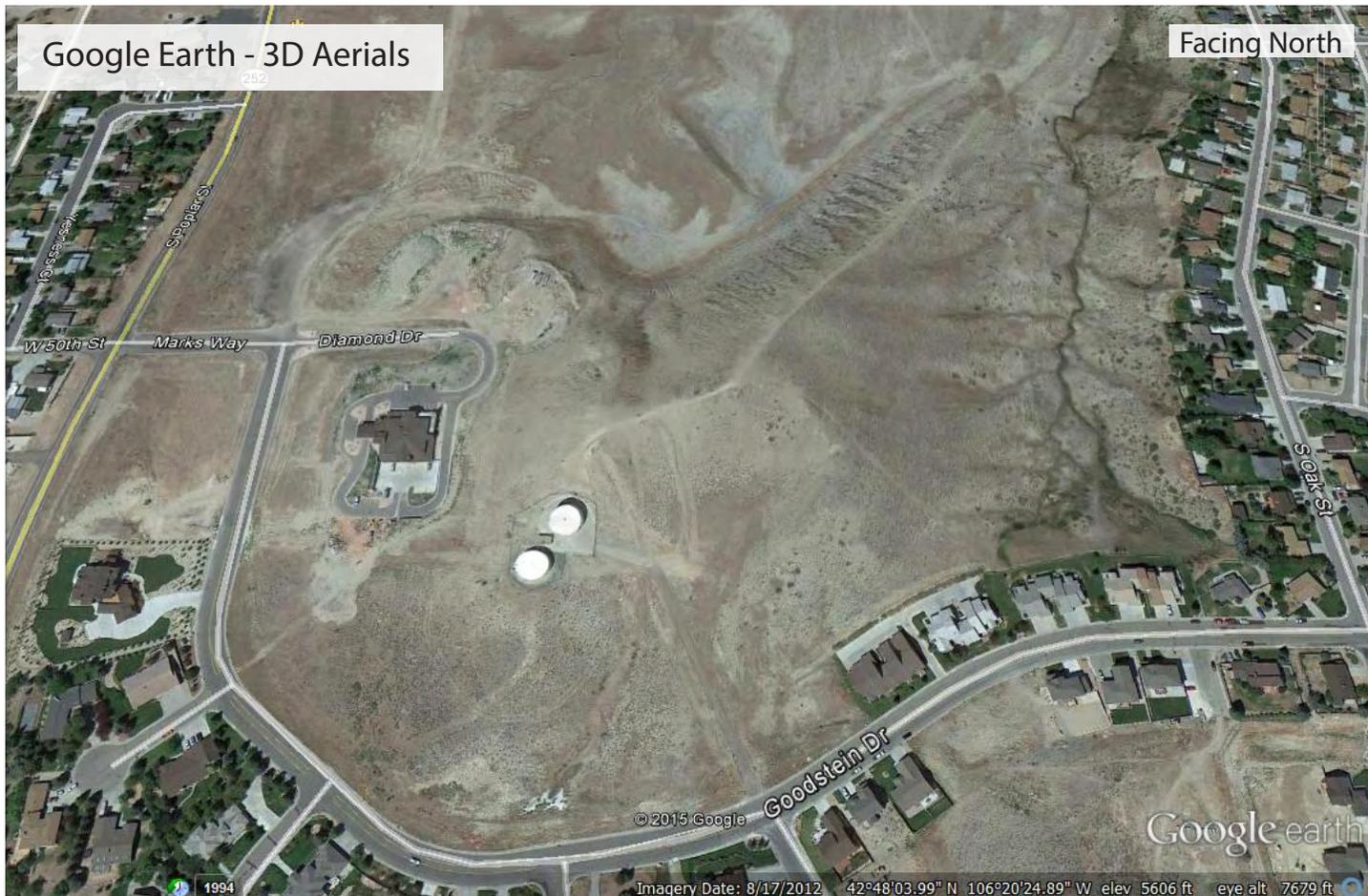




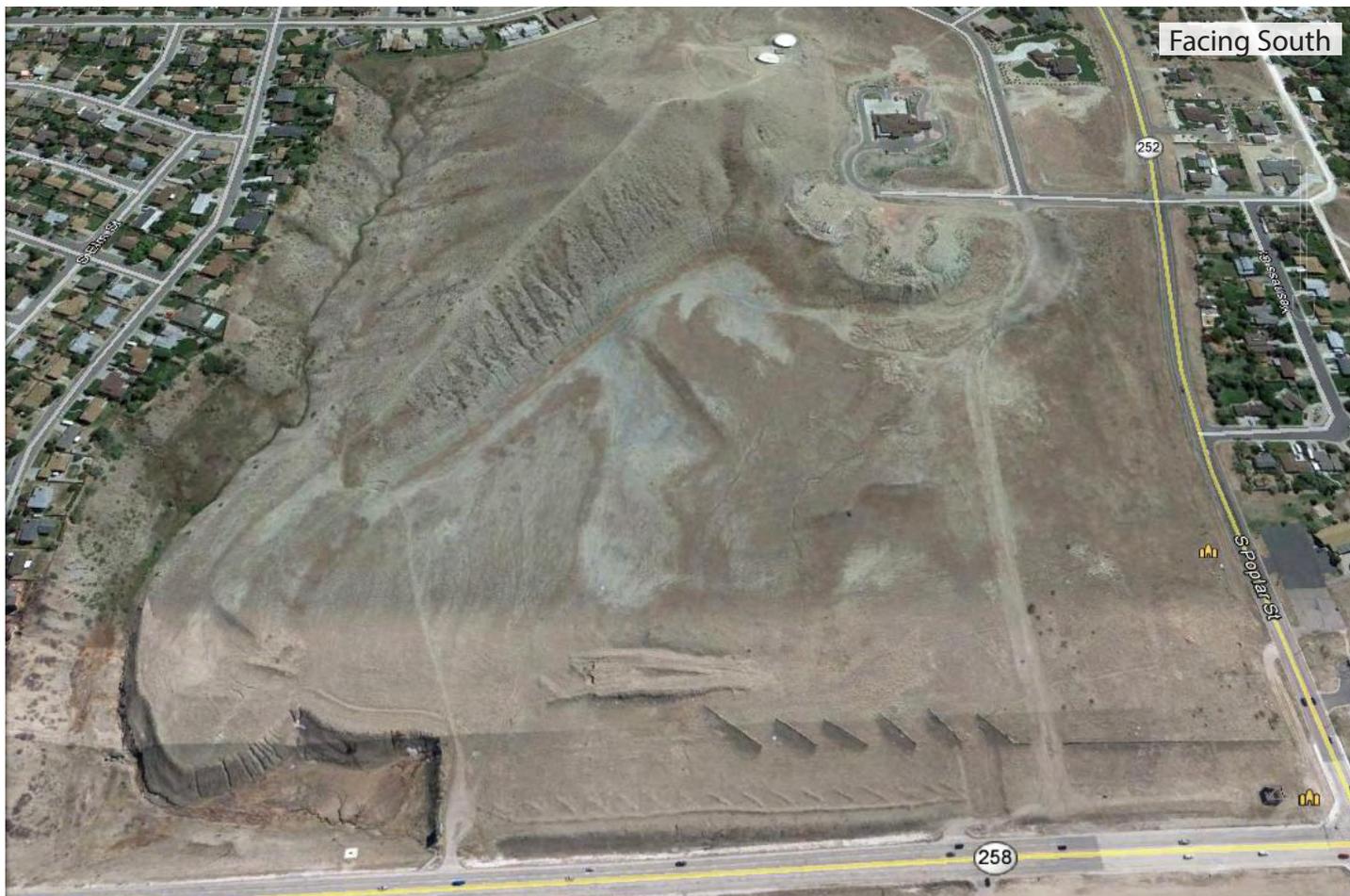


Google Earth - 3D Aerials

Facing North



Facing South



Facing South from SW Wyoming Blvd



Facing South from SW Wyoming Blvd



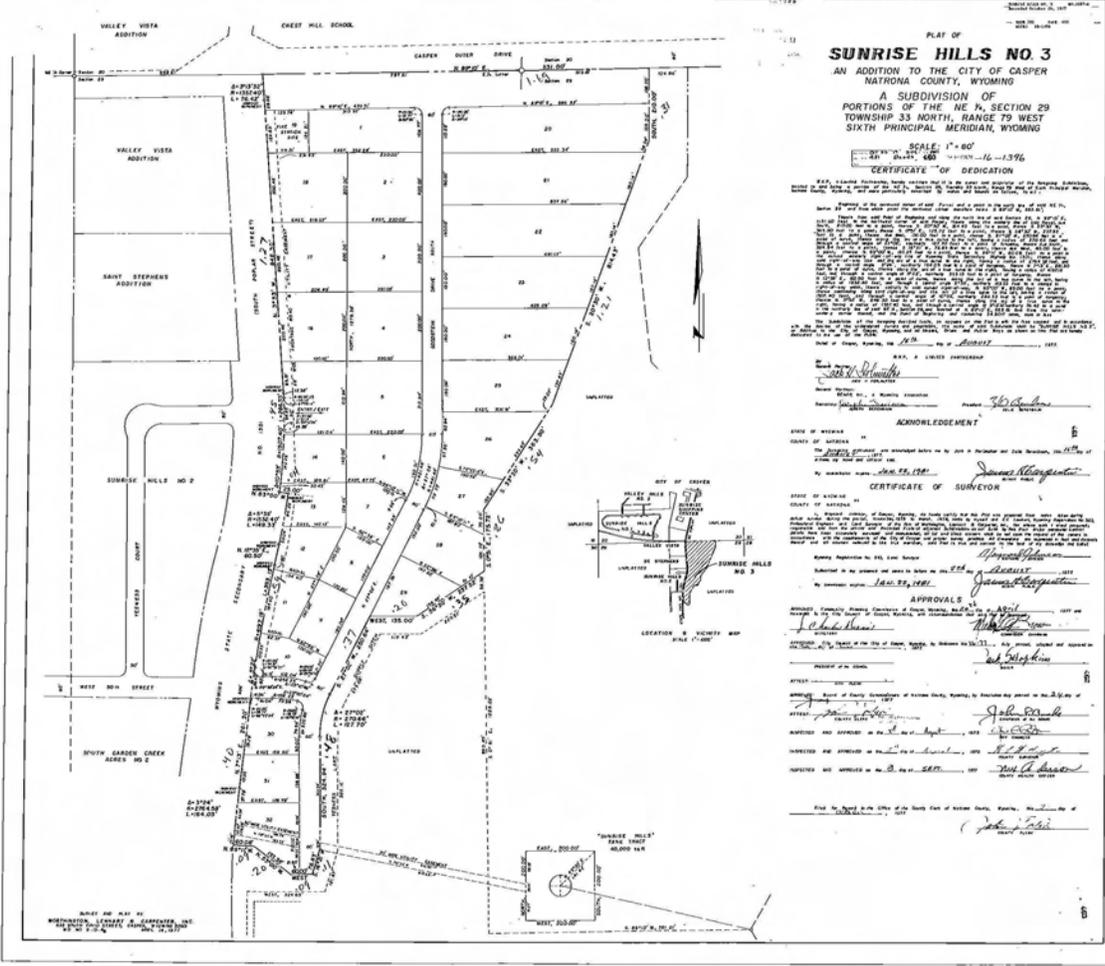
Facing Southeast from S Poplar St



Facing East from S Poplar St



2087A











VICINITY MAP  
1"=500'

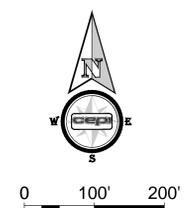


OWNER/DEVELOPER  
HIGH PLANS INVESTMENTS, LLC  
421 SOUTH CENTER STREET  
CASPER, WYOMING 82601

ENGINEER  
CIVIL ENGINEERING PROFESSIONALS, INC.  
6080 ENTERPRISE DRIVE  
CASPER, WYOMING 82609

INFORMATION:  
LOTS: 153 LOTS  
TRACTS: 11 TRACTS  
ZONING: PLANNED UNIT DEVELOPMENT (PUD)  
AREA: 105.142 ACRES

\*\* ALL PUBLIC UTILITY EASEMENTS \*\*  
ALONG STREET FRONTAGE TO BE 15'  
UNLESS OTHERWISE NOTED



PRELIMINARY PLAT OF  
**HARMONY HILLS ADDITION NO. 2**

AN ADDITION TO THE CITY OF CASPER, WYOMING  
BEING A PORTION OF THE WYOMING SECTION 28  
AND THE NE 1/4 AND THE NE 1/4 OF SECTION 29  
T.33N., R.79W., 6TH P.M.  
NATRONA COUNTY WYOMING  
DECEMBER, 2014  
W.O. #14-051  
SHEET 2 OF 2



- LEGEND
- ▲ SET BRASS CAP
  - SET MONUMENT 5/8" REBAR & ALUMINUM CAP
  - FOUND MONUMENT AS NOTED

M:\cadd\2014\Eng\_Dwg\14-051\_Harmony\_Hills\_Survey\_Plats\Wyoming\_Hills\_2\_Preliminary\_Plat.dwg, 12/23/2014, Brian

CERTIFICATE OF DEDICATION

STATE OF WYOMING }  
 COUNTY OF NATRONA }SS

THE UNDERSIGNED, HIGH PLAINS INVESTMENTS, LLC, HEREBY CERTIFY THAT THEY ARE THE OWNERS AND PROPRIETORS OF A PARCEL OF LAND SITUATE IN THE W<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> OF SECTION 28 AND THE NE<sup>1</sup>/<sub>4</sub> AND NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> OF SECTION 29, T.33N., R.79W., 6TH P.M. BEING A PORTION OF SUNRISE HILLS NO. 3, SUNRISE HILLS NO. 9, SUNRISE HILLS ADDITION NO. 12, GARDEN CREEK HILLS PATIO HOMES NO. 1, AND TRACT A OF HARMONY HILLS ADDITION NO. 1, TO THE CITY OF CASPER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ¼ CORNER OF SAID SECTION 29, MONUMENTED BY A BRASS CAP;

THENCE N17°53'37"E, A DISTANCE OF 311.64 FEET TO THE SOUTHWEST CORNER OF SUNRISE HILLS NO. 5, AND THE SOUTHEAST CORNER OF TRACT C, GARDEN CREEK HILLS PATIO HOMES NO. 1, MONUMENTED BY A BRASS CAP AND BEING THE POINT OF BEGINNING;

THENCE S89°12'46"W, ALONG THE SOUTH LINE OF SAID TRACT C AND THE NORTH LINE OF LOT 1, GARDEN CREEK HILLS PATIO HOMES NO. 1, A DISTANCE OF 101.09 FEET TO A POINT LOCATED ON THE SECTION LINE COMMON TO SAID SECTIONS 28 AND 29;

THENCE S01°03'30"E, ALONG THE SECTION LINE COMMON TO SECTIONS 28 AND 29, A DISTANCE OF 7.00 FEET TO A POINT;

THENCE S89°10'01"W, ALONG THE SOUTH LINE OF SAID TRACT C AND THE NORTH LINE OF LOTS 2 – 5, GARDEN CREEK HILLS PATIO HOMES NO. 1, A DISTANCE OF 188.18 FEET TO THE NORTHWEST CORNER OF SAID LOT 5;

THENCE S78°20'16"W, ALONG THE SOUTH LINE OF SAID TRACT C AND THE NORTH LINE OF LOTS 6 – 9, GARDEN CREEK HILLS PATIO HOMES NO. 1, A DISTANCE OF 175.51 FEET TO THE NORTHWEST CORNER OF SAID LOT 9;

THENCE N84°48'55"W, ALONG THE SOUTH LINE OF SAID TRACT C AND THE NORTH LINE OF LOT 10, GARDEN CREEK HILLS PATIO HOMES NO. 1, A DISTANCE OF 44.16 FEET TO A POINT;

THENCE S66°31'42"W, ALONG THE SOUTH LINE OF SAID TRACT C AND THE NORTH LINE OF LOTS 10 – 13, GARDEN CREEK HILLS PATIO HOMES NO. 1, A DISTANCE OF 135.73 FEET TO THE NORTHWEST CORNER OF SAID LOT 13;

THENCE S29°09'54"E, ALONG THE WEST LINE OF SAID LOT 13, A DISTANCE OF 126.30 FEET TO THE SOUTHWEST CORNER OF SAID LOT 13, LOCATED ON THE NORTH LINE OF GOODSTEIN DRIVE;

THENCE ALONG THE SOUTH LINE OF SAID TRACT C, THE NORTH LINE OF GOODSTEIN DRIVE AND A CURVE TO THE LEFT HAVING A RADIUS OF 770.00 FEET, THROUGH A CENTRAL ANGLE OF 01°29'18", A DISTANCE OF 20.00 FEET, HAVING CHORD BEARING OF S58°59'14"W, A DISTANCE OF 20.00 FEET TO THE SOUTHEAST CORNER OF LOT 14, GARDEN CREEK HILLS PATIO HOMES NO. 1;

THENCE N29°09'54"W, ALONG THE EAST LINE OF SAID LOT 14, A DISTANCE OF 119.48 FEET TO THE NORTHEAST CORNER OF SAID LOT 14;

THENCE S57°28'54"W, ALONG THE SOUTH LINE OF SAID TRACT C AND THE NORTH LINE OF LOTS 14 – 17, GARDEN CREEK HILLS PATIO HOMES NO. 1, A DISTANCE OF 128.71 FEET TO A POINT;

THENCE S49°34'10"W, ALONG THE SOUTH LINE OF SAID TRACT C AND THE NORTH LINE OF SAID LOT 17, A DISTANCE OF 28.40 FEET TO THE NORTHWEST CORNER OF SAID LOT 17, GARDEN CREEK HILLS PATIO HOMES NO. 1 AND THE NORTHEAST CORNER OF TRACT A, HARMONY HILLS ADDITION NO. 1;

THENCE S32°41'40"E, ALONG THE WEST LINE OF SAID LOT 17 AND THE EAST LINE OF SAID TRACT A, A DISTANCE OF 5.50 FEET TO THE NORTHEAST CORNER OF LOT 2, BLOCK 2, HARMONY HILLS ADDITION NO. 1;

THENCE S57°49'12"W, ALONG THE NORTH LINE OF LOTS 1 & 2, BLOCK 2, HARMONY HILLS ADDITION NO. 1, A DISTANCE OF 184.77 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, LOCATED ON THE EAST LINE OF WALNUT STREET;

THENCE N25°11'28"W, ALONG THE EAST LINE OF WALNUT STREET, A DISTANCE OF 53.93 FEET TO A POINT;

THENCE S64°58'54"W, ACROSS WALNUT STREET, A DISTANCE OF 50.00 FEET TO A POINT ON THE WEST LINE OF WALNUT STREET;

THENCE N25°11'28"W, ALONG THE EAST LINE OF BLOCK 1, HARMONY HILLS ADDITION NO. 1 AND THE WEST LINE OF WALNUT STREET, A DISTANCE OF 221.66 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 1, HARMONY HILLS NO. 1;

THENCE S65°33'15"W, ALONG THE NORTH LINE OF SAID BLOCK 1, A DISTANCE OF 126.47 FEET TO THE SOUTHEAST CORNER OF THE CITY OF CASPER WATER STORAGE TANK TRACT;

THENCE S89°21'54"W, ALONG THE NORTH LINE OF SAID BLOCK 1, A DISTANCE OF 210.05 FEET TO THE NORTHWEST CORNER OF BLOCK 1, HARMONY HILLS ADDITION NO. 1 AND THE SOUTHWEST CORNER OF THE CITY OF CASPER WATER STORAGE TANK TRACT;

THENCE N00°38'48"W, ALONG THE WEST LINE OF SUNRISE HILLS NO. 9, AND THE EAST LINE OF THE DIAMOND ADDITION, A DISTANCE OF 660.62 FEET TO A POINT;

THENCE N01°02'39"W, ALONG THE WEST LINE OF SUNRISE HILLS NO. 9, AND THE EAST LINE OF THE DIAMOND ADDITION, A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF SUNRISE HILLS NO. 9 AND THE NORTHEAST CORNER OF THE DIAMOND ADDITION;

THENCE S88°57'21"W, ALONG THE SOUTH LINE OF TRACT C AND THE NORTH LINE OF TRACT D OF SUNRISE HILLS ADDITION NO. 12, A DISTANCE OF 476.35 FEET TO THE NORTHWEST CORNER OF SAID TRACT D;

THENCE N00°42'13"W, ALONG THE WEST LINE OF SAID TRACT C, A DISTANCE OF 19.78 FEET TO A POINT;

THENCE S89°11'58"W, ALONG THE SOUTH LINE OF SUNRISE HILLS NO. 3 AND SUNRISE HILLS ADDITION NO. 12, A DISTANCE OF 61.12 FEET TO A POINT;

THENCE S89°11'09"W, ALONG THE SOUTH LINE OF SUNRISE HILLS NO. 3 AND SUNRISE HILLS ADDITION NO. 12, A DISTANCE OF 225.74 FEET TO A POINT OF CURVATURE;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 98°37'53", A DISTANCE OF 34.43 FEET, HAVING A CHORD BEARING OF N41°29'54"W, A DISTANCE OF 30.33 FEET TO A POINT OF COMPOUND CURVE, LOCATED ON THE EAST LINE OF SOUTH POPLAR STREET;

THENCE ALONG THE WEST LINE OF SUNRISE HILLS NO. 3 AND THE EAST LINE OF SOUTH POPLAR STREET AND A CURVE TO THE RIGHT HAVING A RADIUS OF 4197.18 FEET, THROUGH A CENTRAL ANGLE OF 04°04'28", A DISTANCE OF 298.46 FEET, HAVING A CHORD BEARING OF N09°51'16"E, A DISTANCE OF 298.40 FEET TO THE END OF CURVE;

THENCE N11°39'06"E, ALONG THE WEST LINE OF SUNRISE HILLS NO. 3 AND THE EAST LINE OF SOUTH POPLAR STREET, A DISTANCE OF 59.87 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE WEST LINE OF SUNRISE HILLS NO. 3 AND THE EAST LINE OF SOUTH POPLAR STREET AND A CURVE TO THE LEFT HAVING A RADIUS OF 1532.40 FEET, THROUGH A CENTRAL ANGLE OF 05°35'23", A DISTANCE OF 149.50 FEET, HAVING A CHORD BEARING OF N09°05'08"E, A DISTANCE OF 149.44 FEET TO A POINT;

THENCE N83°54'53"W, A DISTANCE OF 25.00 FEET TO A POINT;

THENCE ALONG THE WEST LINE OF SUNRISE HILLS NO. 3 AND THE EAST LINE OF SOUTH POPLAR STREET AND A CURVE TO THE LEFT HAVING A RADIUS OF 1507.40 FEET, THROUGH A CENTRAL ANGLE OF 10°51'39", A DISTANCE OF 285.74 FEET, HAVING A CHORD BEARING OF N00°39'18"E, A DISTANCE OF 285.31 FEET TO THE END OF CURVE;

THENCE N03°46'37"W, ALONG THE WEST LINE OF SUNRISE HILLS NO. 3 AND THE EAST LINE OF SOUTH POPLAR STREET, A DISTANCE OF 103.09 FEET TO A POINT;

THENCE N03°46'37"W, ALONG THE WEST LINE OF SUNRISE HILLS NO. 3 AND THE EAST LINE OF SOUTH POPLAR STREET, A DISTANCE OF 716.53 FEET TO THE NORTHWEST CORNER OF THE PARCEL, LOCATED ON THE SOUTH LINE OF WYOMING BOULEVARD;

THENCE N88°32'50"E, ALONG THE NORTH LINE OF SUNRISE HILLS NO. 3 AND THE SOUTH LINE OF WYOMING BOULEVARD, A DISTANCE OF 633.40 FEET TO A POINT;

THENCE N87°24'14"E, ALONG THE NORTH LINE OF SUNRISE HILLS NO. 3 AND THE SOUTH LINE OF WYOMING BOULEVARD, A DISTANCE OF 452.42 FEET TO A POINT;

THENCE S02°31'42"E, A DISTANCE OF 25.00 FEET TO A POINT;

THENCE N87°23'37"E, ALONG THE NORTH LINE OF SUNRISE HILLS ADDITION NO. 12 AND THE SOUTH LINE OF WYOMING BOULEVARD, A DISTANCE OF 29.49 FEET TO A POINT;

THENCE N87°23'37"E, ALONG THE NORTH LINE OF SUNRISE HILLS ADDITION NO. 12 AND THE SOUTH LINE OF WYOMING BOULEVARD, A DISTANCE OF 520.51 FEET TO A POINT;

THENCE S02°31'42"E, ALONG THE NORTH LINE OF SUNRISE HILLS ADDITION NO. 12 AND THE SOUTH LINE OF WYOMING BOULEVARD, A DISTANCE OF 20.08 FEET TO A POINT;

THENCE N87°25'24"E, ALONG THE NORTH LINE OF SUNRISE HILLS ADDITION NO. 12 AND THE SOUTH LINE OF WYOMING BOULEVARD, A DISTANCE OF 24.74 FEET TO THE NORTHWEST CORNER OF TRACT E, SUNRISE HILLS ADDITION NO. 12;

THENCE S01°47'53"E, ALONG THE EAST LINE OF TRACT C AND THE WEST LINE OF TRACT E, SUNRISE HILLS ADDITION NO. 12, A DISTANCE OF 161.75 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE LINE COMMON TO SAID TRACTS C AND E AND A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 89°52'55", A DISTANCE OF 47.06 FEET, HAVING A CHORD BEARING OF S46°43'26"E, A DISTANCE OF 42.38 FEET TO THE END OF CURVE;

THENCE N88°14'06"E, ALONG THE LINE COMMON TO SAID TRACTS C AND E, A DISTANCE OF 79.13 FEET TO A POINT OF CURVATURE;

THENCE ALONG THE LINE COMMON TO SAID TRACTS C AND E AND A CURVE TO THE RIGHT HAVING A RADIUS OF 315.00 FEET, THROUGH A CENTRAL ANGLE OF 35°33'33", A DISTANCE OF 195.50 FEET, HAVING A CHORD BEARING OF S74°00'16"E, A DISTANCE OF 192.37 FEET TO THE END OF CURVE;

THENCE S56°21'03"E, ALONG THE LINE COMMON TO SAID TRACTS C AND E, A DISTANCE OF 15.92 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 315.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'47", A DISTANCE OF 130.55 FEET, HAVING A CHORD BEARING OF S41°19'37"E, A DISTANCE OF 129.62 FEET TO A POINT LOCATED ON THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, ALSO BEING THE SECTION LINE COMMON TO SAID SECTIONS 28 AND 29;

THENCE N60°25'59"E, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 262.62 FEET TO A POINT;

THENCE N88°55'12"E, A DISTANCE OF 188.25 FEET TO A POINT LOCATED ON THE LINE COMMON TO SAID SUNRISE HILLS NO. 5 AND SUNRISE HILLS NO. 9;

THENCE S00°14'56"E, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 361.98 FEET TO A POINT;

THENCE S21°48'08"W, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 799.01 FEET TO A POINT;

THENCE S00°52'47"E, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 346.07 FEET TO A POINT;

THENCE S89°15°03"W, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 40.77 FEET TO A POINT;

THENCE S01°00'12"E, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 240.31 FEET TO A POINT;

THENCE N89°36°06"W, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 40.85 FEET TO A POINT;

THENCE S00°42'43"E, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 80.57 FEET TO A POINT;

THENCE N89°34'47"E, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 20.86 FEET TO A POINT;

THENCE S00°32'01"E, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 80.12 FEET TO A POINT;

THENCE N89°24'22"E, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 20.26 FEET TO A POINT;

THENCE S00°00'08"W, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 80.01 FEET TO A POINT;

THENCE N88°37'45"E, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 41.43 FEET TO A POINT;

THENCE S00°59'10"E, ALONG THE LINE COMMON TO SUNRISE HILLS NO. 9 AND SUNRISE HILLS NO. 5, A DISTANCE OF 79.89 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 105.143 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY RIGHTS-OF-WAY AND/OR EASEMENTS, RESERVATIONS, AND ENCUMBRANCES WHICH HAVE BEEN LEGALLY ACQUIRED.

THE TRACT OF LAND, AS IT APPEARS ON THIS PLAT, IS DEDICATED WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER AND PROPRIETOR. THE NAME OF THE SUBDIVISION SHALL BE "HARMONY HILLS ADDITION NO. 2" AND THE OWNER HEREBY GRANTS TO THE PUBLIC AND PRIVATE UTILITY COMPANIES AN EASEMENT AND LICENSE TO LOCATE, CONSTRUCT, USE AND MAINTAIN CONDUITS, LINES, WIRES AND PIPES, ANY OR ALL OF THEM, UNDER AND ALONG THE STRIPS OF LAND MARKED "UTILITY EASEMENT", "20' WATER LINE & ACCESS EASEMENT", "OPEN SPACE, DRAINAGE, STORM SEWER AND PUBLIC ACCESS AND PEDESTRIAN EASEMENT", AND "20' SANITARY SEWER EASEMENT" AS SHOWN ON THIS PLAT. ALL ROADS AND STREETS AS SHOWN HEREON ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC, UNLESS NOTED OTHERWISE.

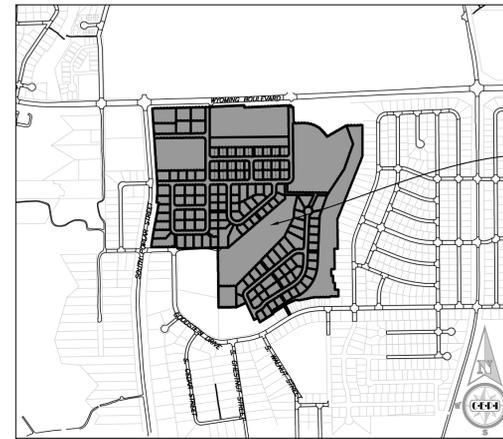
HIGH PLAINS INVESTMENTS, LLC  
 421 SOUTH CENTER STREET  
 CASPER, WYOMING 82601

\_\_\_\_\_  
 LISA BURRIDGE – PRESIDENT

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY LISA BURRIDGE, PRESIDENT OF HIGH PLAINS INVESTMENTS, LLC, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

WITNESS MY HAND AND OFFICIAL SEAL.  
 MY COMMISSION EXPIRES \_\_\_\_\_

\_\_\_\_\_  
 NOTARY PUBLIC



VICINITY MAP  
 1"=1000'

HARMONY HILL NO. 2

VACATION AND REPLAT OF  
 ALL OF SUNRISE HILLS NO. 3  
 AND PORTIONS OF  
 SUNRISE HILLS NO. 9,  
 SUNRISE HILLS ADDITION NO. 12  
 GARDEN CREEK HILLS PATIO HOMES NO. 1  
 AND TRACT A, HARMONY HILLS ADDITION NO. 1  
 AS

**HARMONY HILLS ADDITION NO. 2**

AN ADDITION TO THE CITY OF CASPER, WYOMING  
 BEING A PORTION OF THE W<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> OF SECTION 28  
 AND THE NE<sup>1</sup>/<sub>4</sub> AND THE NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> OF SECTION 29  
 T.33N., R.79W., 6TH P.M.  
 NATRONA COUNTY WYOMING  
 OCTOBER, 2014  
 W.O. #14-051  
 SHEET 1 OF 2

APPROVALS

APPROVED BY THE CITY OF CASPER PLANNING AND ZONING COMMISSION OF CASPER, WYOMING

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015

ATTEST: \_\_\_\_\_ SECRETARY \_\_\_\_\_ CHAIRMAN

APPROVED BY THE CITY COUNCIL OF CASPER, WYOMING BY ORDINANCE NO. \_\_\_\_\_, DULY PASSED,

ADOPTED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_ CITY CLERK \_\_\_\_\_ MAYOR

INSPECTED AND APPROVED THIS \_\_\_\_\_, DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
 CITY ENGINEER

INSPECTED AND APPROVED THIS \_\_\_\_\_, DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
 CITY SURVEYOR

RECORDED

FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF NATRONA COUNTY, WYOMING

THIS DAY OF \_\_\_\_\_, 2015.

INSTRUMENT NO. \_\_\_\_\_

NOTES

1. ERROR OF CLOSURE EXCEEDS 1:317,127.
2. BASIS OF BEARINGS IS THE WYOMING STATE PLANE COORDINATE SYSTEM, EAST CENTRAL ZONE, NAD 1983/86.
3. THE CONVERGENCE ANGLE AT THE POINT OF BEGINNING IS 00°40'38.584", AND THE COMBINED FACTOR IS 0.999770.
4. ALL DISTANCES ARE GROUND.

CERTIFICATE OF SURVEYOR

STATE OF WYOMING }  
 COUNTY OF NATRONA }SS

I, WILLIAM R. FEHRINGER, A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSE NO. 5528, DO HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY MADE UNDER MY DIRECT SUPERVISION IN SEPTEMBER 2014, AND THAT THIS PLAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, CORRECTLY AND ACCURATELY REPRESENTS SAID SURVEY. ALL DIMENSIONS ARE EXPRESSED IN FEET AND DECIMALS THEREOF. COURSES ARE REFERRED TO THE WYOMING STATE PLANE COORDINATE SYSTEM, EAST CENTRAL ZONE, NAD 1983/86, CITY OF CASPER GIS SYSTEM ALL BEING TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY WILLIAM R. FEHRINGER

THIS DAY OF \_\_\_\_\_, 2015.

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC



Civil Engineering Professionals, Inc.  
 6080 Enterprise Drive, Casper, WY 82609  
 Phone 307.266.4346 Fax 307.266.0103  
 www.cepi-casper.com

M:\Land 2014\Engr\_Dwg\14-051 Harmony Hills (Survey Plat)\Harmony Hills #2\14-051 Harmony Hills No. 2 Plat-1.dwg, 1/21/2015, Brian

CURVE TABLE					CURVE TABLE					CURVE TABLE					CURVE TABLE					CURVE TABLE									
CURVE #	RADIUS	ARC LENGTH	DELTA	CH B	CH L	CURVE #	RADIUS	ARC LENGTH	DELTA	CH B	CH L	CURVE #	RADIUS	ARC LENGTH	DELTA	CH B	CH L	CURVE #	RADIUS	ARC LENGTH	DELTA	CH B	CH L	CURVE #	RADIUS	ARC LENGTH	DELTA	CH B	CH L
C1	25.00'	37.65'	86°17'11"	N47°32'10"W	34.19'	C24	25.00'	21.86'	50°06'17"	S24°22'24"W	21.17'	C44	1532.40'	27.64'	1°02'00"	N11°21'49"E	27.64'	C64	445.00'	61.53'	7°55'19"	S6°24'06"W	61.48'	C91	25.00'	38.97'	89°19'15"	N44°39'37"E	35.15'
C2	50.00'	41.15'	47°09'23"	S64°35'21"E	40.00'	C25	25.00'	38.97'	89°19'15"	N44°39'37"E	35.15'	C45	75.00'	37.53'	28°40'28"	N74°59'01"E	37.14'	C65	75.00'	7.67'	5°51'26"	N55°02'02"E	7.66'	C92	25.00'	39.27'	90°00'00"	S45°40'45"E	35.36'
C3	275.00'	36.84'	7°40'28"	S67°16'40"W	36.81'	C26	25.00'	39.57'	90°40'45"	S45°20'23"E	35.56'	C46	75.00'	87.21'	66°37'27"	S17°44'01"W	82.38'	C66	125.00'	62.47'	28°38'00"	N43°48'27"E	61.82'	C93	4197.18'	79.88'	1°05'26"	N82°14'55"E	79.88'
C4	75.00'	20.21'	15°26'30"	N82°57'30"W	20.15'	C27	25.00'	38.97'	89°19'15"	S44°39'37"W	35.15'	C47	150.00'	57.12'	21°49'04"	S61°27'17"W	56.77'	C67	75.00'	29.60'	22°36'51"	N40°47'53"E	29.41'	C94	75.00'	49.35'	37°42'00"	S56°23'15"E	48.46'
C5	275.00'	36.84'	7°40'28"	S67°16'40"W	36.81'	C28	25.00'	39.57'	90°40'45"	S45°20'23"E	35.56'	C48	25.00'	40.79'	93°28'54"	S47°26'26"W	36.41'	C68	25.00'	36.36'	83°19'29"	N16°28'16"E	33.24'	C95	25.00'	39.27'	90°00'00"	S44°19'15"W	35.36'
C6	75.00'	20.21'	15°26'30"	N82°57'30"W	20.15'	C29	25.00'	38.97'	89°19'15"	S44°39'37"W	35.15'	C49	150.00'	57.12'	21°49'04"	S83°16'21"W	56.77'	C69	125.00'	31.94'	14°38'29"	S36°48'42"W	31.86'	C96	25.00'	38.97'	89°19'15"	N44°39'37"E	35.15'
C7	25.00'	38.97'	89°19'15"	S44°39'37"W	35.15'	C30	25.00'	39.27'	90°00'00"	S44°19'15"W	35.36'	C50	50.00'	19.29'	22°06'04"	S26°34'26"E	19.17'	C70	75.00'	37.49'	28°38'33"	S43°48'44"W	37.10'	C97	25.00'	39.57'	90°40'45"	N45°20'23"W	35.56'
C8	25.00'	38.14'	87°24'14"	N43°42'07"E	34.55'	C31	75.00'	65.59'	50°06'17"	N24°22'24"E	63.52'	C51	25.00'	17.48'	40°35'54"	S17°35'31"E	17.13'	C71	25.00'	42.18'	96°40'31"	N73°31'44"W	37.35'	C98	25.00'	38.97'	89°19'15"	S44°39'37"E	35.15'
C9	75.00'	20.93'	15°59'09"	N52°39'12"E	20.86'	C32	25.00'	39.57'	90°40'45"	S45°20'23"E	35.56'	C52	50.00'	48.83'	55°57'31"	S12°27'21"W	46.92'	C72	125.00'	30.17'	13°49'48"	S51°02'51"W	30.10'	C99	25.00'	39.27'	90°00'00"	N45°40'45"W	35.36'
C10	325.00'	44.94'	7°55'20"	N62°40'06"E	44.90'	C33	25.00'	39.27'	90°00'00"	N44°19'15"E	35.36'	C53	50.00'	44.85'	51°23'51"	S66°08'02"E	43.36'	C73	275.00'	60.39'	12°34'59"	S51°40'16"W	60.27'	C100	25.00'	39.27'	90°00'00"	S45°40'45"E	35.36'
C11	25.00'	39.57'	90°41'24"	S45°20'42"E	35.57'	C34	25.00'	40.11'	91°55'38"	S46°38'34"E	35.94'	C54	25.00'	44.85'	51°23'51"	N15°18'44"W	43.36'	C74	275.00'	169.26'	35°15'51"	S27°44'50"W	166.60'	C101	25.00'	39.27'	90°00'00"	S44°19'15"W	35.36'
C12	75.00'	13.68'	10°27'12"	N52°33'32"E	13.66'	C35	1507.40'	100.09'	34°8'15"	N11°53'03"E	100.07'	C55	25.00'	24.17'	55°23'16"	N30°08'04"E	23.24'	C75	100.00'	76.16'	43°38'08"	N72°21'49"E	74.33'	C102	25.00'	38.97'	90°40'45"	S45°20'23"W	35.56'
C13	125.00'	67.72'	31°02'18"	S15°31'09"E	66.89'	C36	1507.40'	100.09'	34°8'15"	N11°53'03"E	100.07'	C56	50.00'	41.40'	47°26'31"	N34°06'27"E	40.23'	C76	25.00'	38.51'	88°15'33"	S41°41'20"E	34.81'	C103	25.00'	40.62'	93°05'13"	N42°45'59"E	36.29'
C14	125.00'	40.17'	18°24'50"	S61°49'17"E	40.00'	C37	25.00'	39.26'	89°58'19"	N44°20'05"E	35.35'	C57	25.00'	39.90'	91°27'10"	S45°43'35"E	35.80'	C77	25.00'	33.05'	75°44'13"	N12°40'38"E	30.69'	C104	25.00'	39.57'	90°40'45"	S45°20'23"E	35.56'
C15	25.00'	37.92'	86°54'47"	N47°14'01"W	34.39'	C38	25.00'	39.57'	90°40'45"	N45°20'23"W	35.56'	C58	445.00'	123.23'	15°51'58"	S50°01'46"W	122.83'	C78	4197.18'	102.11'	1°23'38"	N10°59'31"E	102.11'						
C16	125.00'	40.17'	18°24'50"	S61°49'17"E	40.00'	C39	25.00'	39.57'	90°40'45"	S45°20'23"E	35.56'	C59	325.00'	90.00'	15°51'59"	N50°01'45"E	89.71'	C79	25.00'	38.97'	89°19'15"	N44°39'37"E	35.15'						
C17	125.00'	40.17'	18°24'50"	S61°49'17"E	40.00'	C40	1532.40'	20.42'	0°45'48"	N6°40'20"E	20.41'	C60	445.00'	123.23'	15°52'00"	S34°09'46"W	122.84'	C87	75.00'	170.92'	130°34'28"	N65°17'44"W	136.26'						
C18	125.00'	76.07'	34°51'58"	N73°07'30"E	74.90'	C41	1507.40'	77.15'	2°55'56"	N4°37'09"E	77.14'	C61	325.00'	90.00'	15°51'59"	N34°09'46"E	89.71'	C88	75.00'	49.14'	37°32'15"	S18°46'07"E	48.63'						
C19	25.00'	38.97'	89°19'15"	N44°39'37"E	35.15'	C42	1532.40'	101.45'	34°7'35"	N8°57'02"E	101.43'	C62	445.00'	123.23'	15°52'00"	S18°17'46"E	122.84'	C89	4197.18'	101.63'	1°23'15"	N9°36'05"E	101.26'						
C20	75.00'	4.11'	3°08'36"	N1°34'18"E	4.11'	C43	4197.18'	14.83'	0°12'09"	N11°47'25"E	14.83'	C63	325.00'	90.00'	15°51'59"	N18°17'46"E	89.71'	C90	25.00'	39.57'	90°40'45"	N45°20'23"W	35.56'						

NOTE: ALL PUBLIC UTILITY EASEMENTS  
ALONG FRONT OF ALL LOTS  
ARE 15' WIDE UNLESS  
NOTED OTHERWISE



VACATION AND REPLAT OF  
ALL OF SUNRISE HILLS NO. 3  
AND PORTIONS OF  
SUNRISE HILLS NO. 9,  
SUNRISE HILLS ADDITION NO. 12  
GARDEN CREEK HILLS PATIO HOMES NO. 1  
AND TRACT A, HARMONY HILLS ADDITION NO. 1  
AS

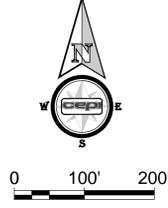
**HARMONY HILLS ADDITION NO. 2**

AN ADDITION TO THE CITY OF CASPER, WYOMING  
BEING A PORTION OF THE W&M&S OF SECTION 28  
AND THE NE¼ AND THE NE¼&E¼ OF SECTION 29  
T.33N., R.79W., 6TH P.M.  
NATRONA COUNTY WYOMING  
DECEMBER, 2014  
W.O. #14-051  
SHEET 2 OF 2



- LEGEND**
- ▲ SET BRASS CAP
  - SET MONUMENT 5/8" REBAR & ALUMINUM CAP
  - FOUND MONUMENT AS NOTED

\*\* ALL PUBLIC UTILITY EASEMENTS \*\*  
ALONG STREET FRONTAGE TO BE 15'  
UNLESS OTHERWISE NOTED



January 23, 2015

MEMO TO: Members of the Planning and Zoning Commission

FROM: Liz Becher, Community Development Director  
Craig Collins, AICP, City Planner  
Aaron Kloke, Planner I

SUBJECT: **PLN-15-003-C** – Petition for a Conditional Use Permit for a mobile home, for security reasons, in an M-1 (Limited Industrial) zoning district, on Lots 16-17, Block 2, Burlington Addition, located at 440 North Washington Street. Applicant: Dasa Moore and Jessica Moore.

Recommendation:

In the absence of information that may be presented during the public hearing, staff recommends that the Planning and Zoning Commission approve the request for a Conditional Use Permit for a mobile home, for security reasons, in an M-1 (Limited Industrial) zoning district, located at 440 North Washington Street, with the following conditions:

1. Prior to the placement of a mobile home on the property, a legitimate, properly designed, and functioning business shall exist on the site.
2. The business on the site shall be required to obtain site plan approval, and shall meet all minimum standards of the Casper Municipal Code, including, but not limited to, landscaping, paving, buffering, screening, parking and access.
3. Pursuant to Section 17.84.030 of the Casper Municipal Code, the mobile home shall only be occupied as necessary for safety or security reasons, in conjunction with the principal business use of the property, and shall be occupied only by persons responsible for security in the principal use. If said business is ever discontinued, or if ownership of the business portion of the property is separated from the residential portion of the property, the mobile home shall be immediately removed from said property, with or without notice from the City.
4. Pursuant to Section 17.12.240(I) of the Casper Municipal Code, if the Conditional Use Permit has not been exercised, and all requirements completed within a year from the date of issuance, the Conditional Use Permit shall be void, and have no further force or effect.

Code Compliance:

Staff has complied with all requirements of Section 17.12.240 of the Casper Municipal Code pertaining to Conditional Use Permits, including notification of property owners within three

hundred (300) feet by first class mail, posting of the property, and publishing legal notice in the Casper Star Tribune. Staff has not received any public comment regarding this case.

Section 17.12.240(G) of the Casper Municipal Code states that no conditional use permit shall be granted unless the Commission finds the following:

1. The Conditional Use is consistent with the spirit, purpose, and intent of this Title; will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience, and welfare;
2. The Conditional Use is designed to be compatible with adjacent land uses and the area of its location.

When making the decision for a Conditional Use Permit, the Commission shall consider the scale of the operation and relationship to other similar issues as expressed in the six (6) considerations outlined in Section 17.12.240(H) as listed below.

- a. Area and height to be occupied by buildings or other structures.
- b. Density of the proposed use in terms of units per acre and the number of offices, employees, occupants, or all three.
- c. Volume of business in terms of the number of customers per day.
- d. Increased traffic congestion or hazard caused by the use which may be over and above normal traffic for the area, as determined by the City Engineer and Community Development Director.
- e. Location of use with respect to the same or similar uses within a three hundred foot (300') radius of the perimeter of the described property.
- f. Any other criteria affecting public health, safety, and welfare, as provided for by written rules of the Commission.

Pursuant to Section 17.12.240(I) of the Casper Municipal Code, the Commission may impose reasonable conditions on a Conditional Use Permit, including, but not limited to, time limitations, requirements that one or more things be done before construction is initiated, or conditions of an ongoing nature. By way of illustration, not limitation, the following limitations or modifications can be placed upon a Conditional Use Permit, to the extent that such conditions are necessary to insure compliance with the criteria of Section 17.12.240(G) and (H):

1. Size and location of site;
2. Street and road capacities in the area;
3. Ingress and egress to adjoining public streets;
4. Location and amount of off-street parking;
5. Internal traffic circulation systems;

6. Fencing, screening, and landscaped separations;
7. Building bulk and location;
8. Usable open space;
9. Signs and lighting; and,
10. Noise, vibration, air pollution and other environmental influences.

Summary:

Dasa Moore and Jessica Moore have applied for a Conditional Use Permit for the placement of a mobile home, for security reasons, in an M-1 (Limited Industrial) zoning district, located at 440 North Washington Street, on the property described as Lots 16-17, Block 2, Burlington Addition. The subject property is currently vacant, consists of two platted lots, each approximately 3,250 square feet in area, and is zoned M-1 (Limited Industrial). Residential uses are not listed as permitted uses in the M-1 (Limited Industrial) zoning district. All surrounding zoning in the area is M-1 (Limited Industrial). The land uses in the area are a mix of non-conforming residential uses and industrial/commercial uses. Section 17.80.030 of the Casper Municipal Code lists “manufactured homes (mobile), necessary for safety or security reasons, in conjunction with the principal use and occupied only by persons responsible for security in the principal use and employed by the industry or business conducting the principal use,” as a Conditional Use in the M-1 (Limited Industrial) zoning district, requiring the approval of the Planning and Zoning Commission pursuant to the procedures and necessary findings of Section 17.12.240 of the Municipal Code.

The applicants have stated that they intend to operate an outdoor storage business on the property, and that the mobile home would be utilized for security purposes. To date, no outdoor storage business has been shown to be operating on the property. Staff has included several recommended conditions of approval for the Planning and Zoning Commission’s consideration.

The first recommended condition of approval requires proof that the applicants are operating a functioning business on the property to ensure that the approval of a Conditional Use Permit for a mobile home for security purposes is for a legitimate reason, and not being used to circumvent the Municipal Code’s prohibition on residential uses in the M-1 (Limited Industrial) zoning district. The mobile home will not be eligible to receive the necessary building permits for placement on the lot and occupancy until the business is approved and functioning.

Staff’s second recommended condition requires that the outdoor storage business obtain site plan approval so that issues such as paving, access, screening and fencing can be properly designed and constructed. The third condition reiterates the Municipal Code’s requirement that the purpose of allowing a mobile home in the M-1 (Limited Industrial) zoning district must be related to security for a business. If it is found that the mobile home is not being utilized for security for a functioning business, then the Conditional Use Permit will become void, or be revoked, and the mobile home will have to be immediately removed from the property.

The final condition of approval reiterates the requirement of Section 17.12.240(I) which states that the Conditional Use Permit must be “exercised” and all work completed within a year, or the

Conditional Use Permit becomes void, and of no further effect. In this case, “exercised” means that all conditions of approval will have been met and are of a continuing nature.

The general area surrounding the subject property has many non-conforming residential uses. Section 17.12.010 of the Municipal Code states:

“It is the intent of this title to permit legal nonconforming lots, structures, or uses to continue until they are removed or abandoned but not to encourage their continuance.”

Most of the non-conforming residential structures in this area pre-date the current regulations prohibiting residential uses under the area’s current zoning classification. The Comprehensive Land Use Plan shows the desired long-term land use of this area to be industrial; therefore, a zone change of the area to make the existing residences permitted uses could not be supported at this time. The Comprehensive Land Use plan will be updated within the next 1-2 years, and this particular area needs to be studied to determine if the Plan should change with respect to the desired future zoning of this area. It is possible that, given the number of residences in this area, the future land use designation of the area could be changed to encourage the existing residential uses to continue as conforming, permitted uses.

Recommended Motion:

*Staff has prepared the following motion for the Commission’s consideration:*

Case number **PLN-15-003-C**, a Conditional Use Permit for a mobile home, for security reasons, in an M-1 (Limited Industrial) zoning district, located at 440 North Washington Street, should be granted, with Conditions #1 - #4, listed above, for the following reasons:

1. The Conditional Use is consistent with the spirit, purpose, and intent of this Title; will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience, and welfare;
2. The Conditional Use is designed to be compatible with adjacent land uses and the area of its location.

Furthermore, the Planning and Zoning Commission finds that:

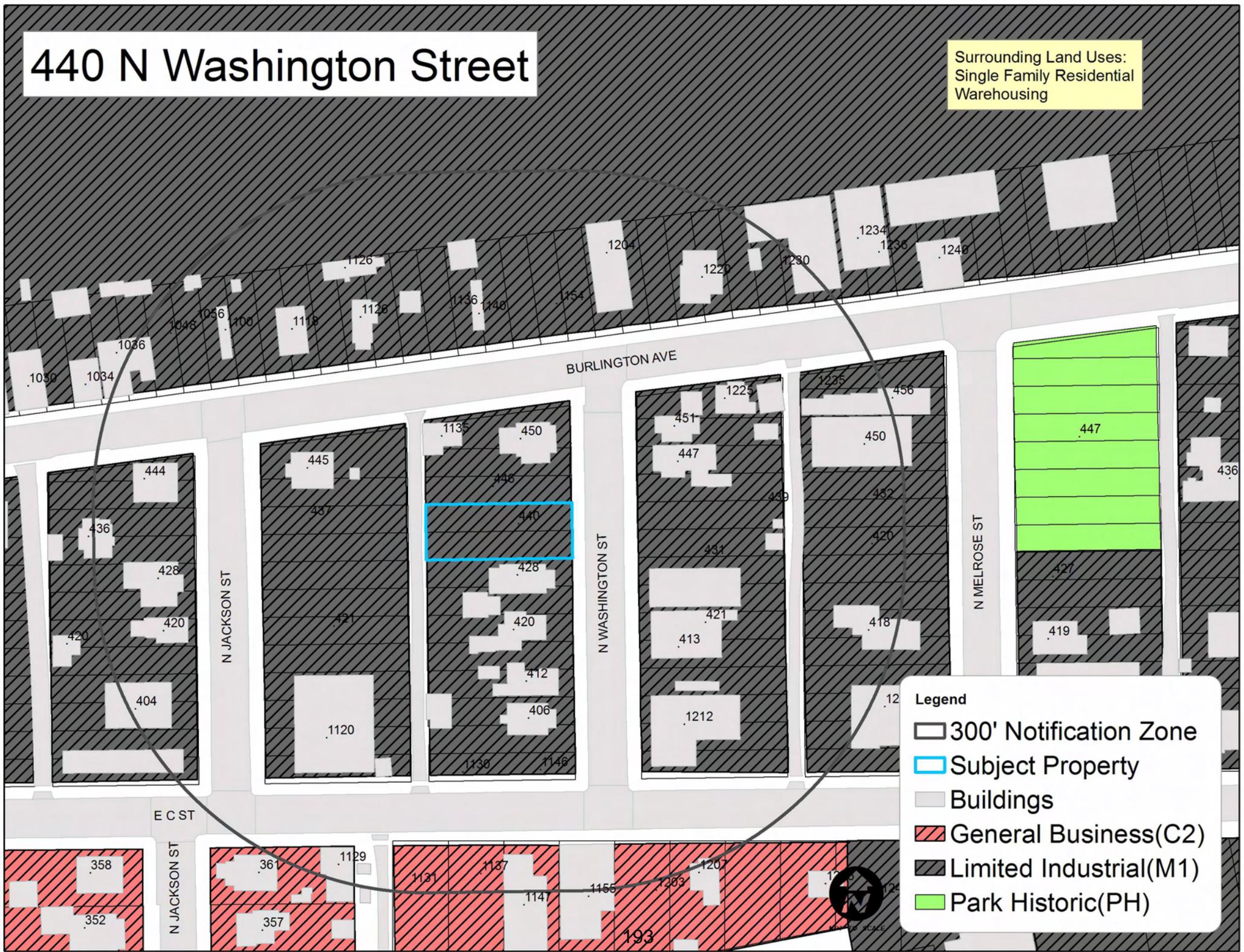
- a. The area and height of a mobile home are smaller, and lower, than most of the surrounding structures in the surrounding area.
- b. The density of the proposed use in terms of units per acre and occupants would not be out of character or excessive as compared to the existing surrounding land uses in the immediate area. There are multiple residential structures located in proximity to the subject property.

- c. The requested Conditional Use Permit is for a mobile home, to be used for security purposes for a storage business, which is considered to be a permitted use, by right, in the M-1 (Limited Industrial) zoning district. The volume of business is not a consideration with respect to the security residence.
- d. There will not be unreasonable congestion or a traffic hazard caused by the proposed mobile home on the subject property, as determined by the City Engineer and the Community Development Director.
- e. The general area surrounding the subject property is a mix of residential, industrial, and commercial land uses. Based on available information, there are no active Conditional Use Permits for security residences within a three hundred (300) foot radius of the subject property.
- f. There are no other criteria, affecting public health, safety, and welfare, as provided for by written rules of the Commission.



# 440 N Washington Street

Surrounding Land Uses:  
Single Family Residential  
Warehousing



**Legend**

- 300' Notification Zone
- Subject Property
- Buildings
- General Business(C2)
- Limited Industrial(M1)
- Park Historic(PH)



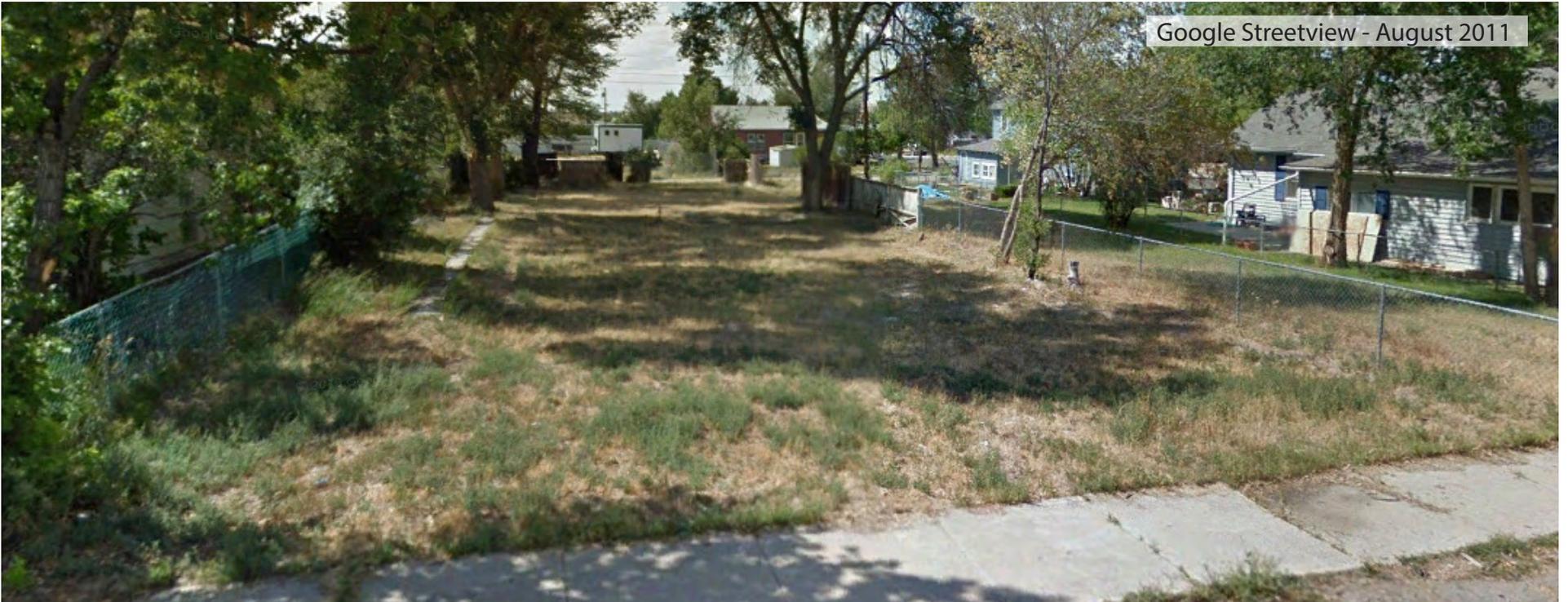
Facing West from N Washington St.

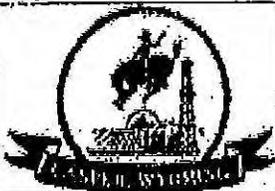


Facing West from N Washington St.



Google Streetview - August 2011





# City of Casper Planning Division

## Conditional Use Permit Application

### OWNER'S INFORMATION:

NAME: Dasa & Jessica Moore  
ADDRESS: 428 N. Washington Casper, WY 82601  
TELEPHONE: 307-234-4123 EMAIL: mrsjmoore1@gmail.com

### LOCATION OF REQUEST:

ADDRESS: 440 N. Washington Casper, WY 82601  
LEGAL DESCRIPTION: Lots 16 & 17 Block 2 Burlington Addition to City of Casper  
Number of Lots: 2 Size of Lots: \_\_\_\_\_  
Current Zoning: M-1 Current Use: Vacant  
Purpose for which the property is proposed to be used: Outdoor storage w/ mobile home to supervise & secure storage.  
Prior restrictions placed on the property: \_\_\_\_\_

Floor area square footage: 1200 approx Number of Occupants or Employees: 3  
Building Footprint: 16ft x 80ft Number of off-street parking spaces: 2

### A PLOT PLAN IS REQUIRED SHOWING:

(WHERE APPROPRIATE)

- |                               |                                |                                     |
|-------------------------------|--------------------------------|-------------------------------------|
| lot size and dimensions       | size and location of buildings | off-street parking spaces           |
| routes for ingress and egress | internal traffic control       | fencing, screening, and landscaping |
| signs and lighting            | setback distances              |                                     |

The following owner's signature, or agent, signifies that all information on the application is accurate and correct to the best of the owner's knowledge, and that the owner has thoroughly read and understands all application information and requirements.

SIGNATURE OF PROPERTY OWNER: \_\_\_\_\_

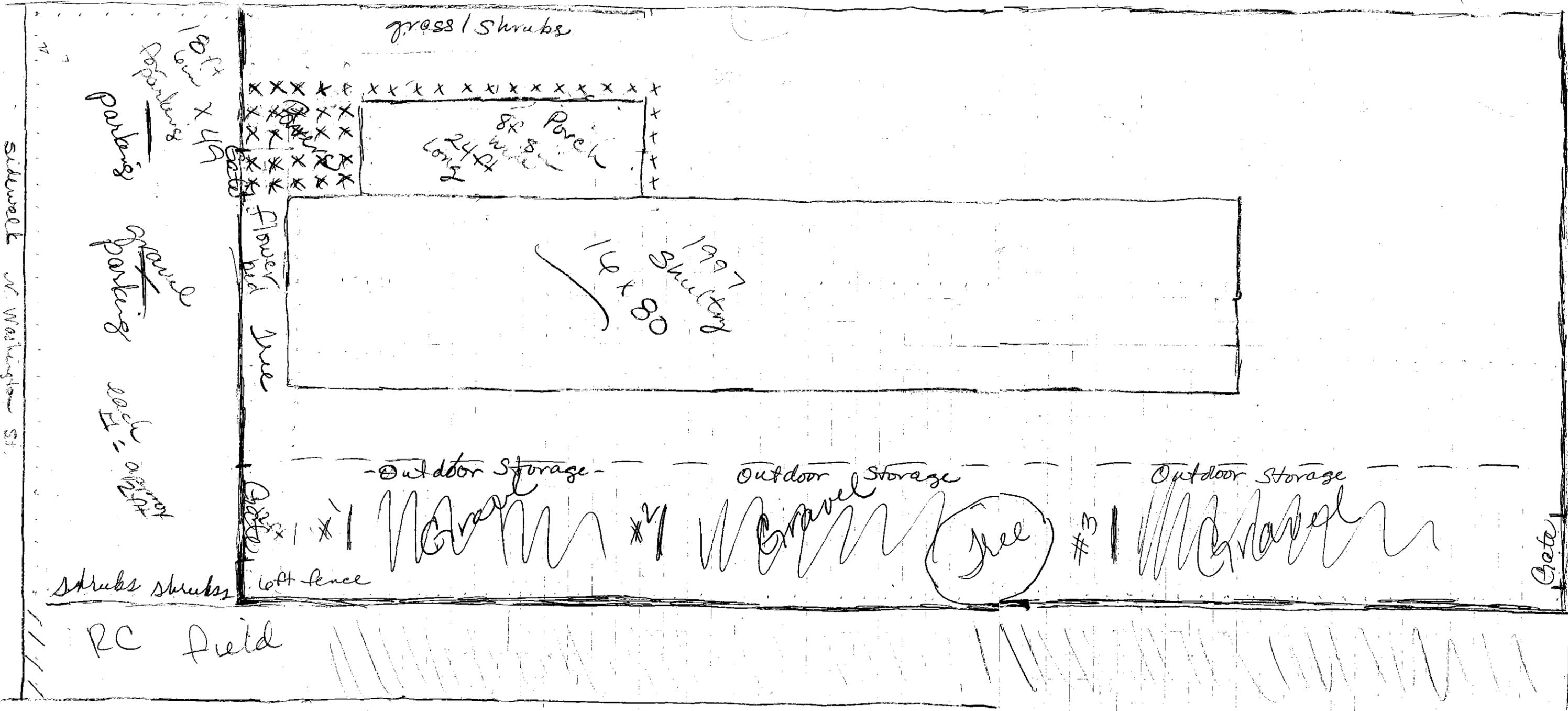
DATE: \_\_\_\_\_

**SUBMIT TO:**  
Community Development Department  
Planning Division  
200 N David, RM 203  
Casper, WY 82601  
Phone: 307-235-8241  
Fax: 307-235-8362  
www.casperwy.gov  
E-mail: dhardy@cityofcasperwy.com

- COMPLETE SUBMITTAL NEEDS TO INCLUDE:**
- COMPLETED APPLICATION INCLUDING ORIGINAL SIGNATURES
  - PROOF OF OWNERSHIP
  - \$275 APPLICATION FEE (NON-REFUNDABLE)
  - PLOT PLAN

**FOR OFFICE USE ONLY:**  
DATE SUBMITTED:  
12/16/14  
REC'D BY: HK

428 N. Washington



January 23, 2015

MEMO TO: Members of the Planning and Zoning Commission

FROM: Liz Becher, Community Development Director  
Craig Collins, AICP, City Planner  
Aaron Kloke, Planner I

SUBJECT: **PLN-15-004-C** – Petition for a Conditional Use Permit for an off-premises sign (billboard), in a C-2 (General Business) zoning district, on Lot 3, Scotthill Ret Center Phase II, Lot 3, located at 4710 East 2<sup>nd</sup> Street. Applicant: Powder River Partners, LLC.

Recommendation:

Staff recommends that the Planning and Zoning Commission continue Case # **PLN-15-004-C** to the February 24, 2015 public hearing.

Summary:

Powder River Partners, LLC has applied for a Conditional Use Permit to install an off-premises sign (billboard) in a C-2 (General Business) zoning district, located at 4710 East 2<sup>nd</sup> Street, at the southeast corner of the Perkins Restaurant property. In an e-mail dated January 19, 2015, the applicant's representative, Lamar Signs, requested a continuance of the case in order to provide some additional information for the Planning and Zoning Commission pertaining to the requested Conditional Use Permit.

# Powder River Partners, LLC - Off-Premise Sign

Surrounding Land Uses:  
Retail Commercial

